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ABSTRACT

The purpose of this hearing was to re-examine the status of women's participation in intercollegiate athletics and the impact of the regulations mandated by Title IX of the Education Amendments of 1972. The chairwoman, Honorable Cardiss Collins, opened the hearing by stating that 20 years after passage of Title IX, men continue to dominate all areas of collegiate sports and to get the lion's share of athletic scholarships, coaching salaries, and operating expenses. This document, a complete transcript of the proceedings, provides testimony by the following witnesses, Thomas K. Hearn, Jr., President, Wake Forest University, accompanied by Dianne Dailey, Director, Women's Athletics; Phyllis L. Howlett, Co-Chair, NCAA Task Force on Gender Equity; Grant G. Teaff, Director of Athletics, Baylor University; and Donna A. Lopiano, Executive Director, Women's Sports Foundation. Witnesses' responses to subcommittee questions are included. (LL)

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INTERCOLLEGIATE SPORTS

ED359188

HEARING

BEFORE THE

SUBCOMMITTEE ON
COMMERCE, CONSUMER PROTECTION, AND
COMPETITIVENESS

OF THE

COMMITTEE ON
ENERGY AND COMMERCE
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

FIRST SESSION

ON

TITLE IX IMPACT ON WOMEN'S PARTICIPATION IN INTERCOLLEGIATE ATHLETICS AND GENDER EQUITY

FEBRUARY 17, 1993

Serial No. 103–1

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INTERCOLLEGIATE SPORTS

WEDNESDAY, FEBRUARY 17, 1993

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
SUBCOMMITTEE ON COMMERCE, CONSUMER PROTECTION,
AND COMPETITIVENESS,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:42 a.m., in room 2247, Rayburn House Office Building, Hon. Cardiss Collins (chairwoman) presiding.

Mrs. COLLINS. Good morning. This hearing of the Energy and Commerce Subcommittee on Commerce, Consumer Protection, and Competitiveness will come to order.

Let me say that this is the first hearing of the 103rd Congress that this subcommittee has had, and, as such, I take it upon myself at this time to say how delighted I am to have a new ranking member in the person of Mr. Cliff Stearns of Florida.

It is a real pleasure having you here, Mr. Stearns.

Also in new members, we are going to have Mr. Bill Paxon, Mr. James C. Greenwood—Mr. Paxon is from New York; Mr. Greenwood, of course, is from Pennsylvania—and our new Democratic members aren't here yet, but you will all know who they are as time goes on.

We certainly want to welcome you to the subcommittee, and I know that you will enjoy working with the subcommittee, because we have some issues that are of extreme importance to everybody in the United States.

Your reputation preceded you here, Mr. Stearns, and I know you are going to be a wonderful member to work with.

Mr. STEARNS. Thank you.

Mrs. COLLINS. Over the past 2 years, the subcommittee has conducted a series of hearings on college sports. We have examined the subject of graduation rates of college athletes, problems faced by historically black colleges and universities, the fairness of the National Collegiate Athletic Association enforcement procedures, and gender equity.

This is the second hearing on women's participation in intercollegiate athletics and the impact of those governing regulations mandated by title IX of the Education Amendments of 1972. Nearly everyone agrees that enforcement of title IX has been virtually nonexistent over the last 12 years. The fact remains that, 20 years after passage of title IX, men continue to dominate all areas of collegiate sports. They get the lion's share of the athletic scholarships, coaching salaries, and operating expenses.

At the gender equity hearing on April 9 last year, 1992, Mr. Richard Schultz, who is the executive director of the National Collegiate Athletic Association, testified that he hoped to have gender equity legislation before the NCAA at its January convention, but when the NCAA met the cry was, "Wait until next year." In fact, Mr. Schultz admitted that, while he thinks the Association has a moral obligation to promote gender equity, he believes—and I quote him—"It is virtually impossible to try to put legislation in place to deal with gender equity."

I find it curious that the NCAA is quick to write rules to regulate student behavior but considers it impossible to write rules to end discrimination against women even though women's sports have been part of the NCAA for 10 whole years. Why is it that whenever a group asks for equal rights the dominant group's first reaction is defensive; the second reaction is to interpret equal rights for one group as diminished rights for another; and, finally, to stall and stall and stall?

When I hear suggestions that gender equity or equal treatment for women collegiate athletes will harm opportunities for men, I am reminded of the arguments 30 years ago by opponents of civil rights that equal employment opportunities for minorities would mean fewer jobs for white men. You have only to look around this room to see how that turned out. I think you will hear today that men's participation in sports has not diminished because of increased opportunities for women in sports.

Moreover, it is distressing to me that many athletic directors use participation percentages and not enrollment percentages to justify unequal treatment. Women are more than 50 percent of the college undergraduate population but only 34 percent of student athletes. The truth is that women's participation rates will increase if the opportunities are expanded. Lower participation rates are the result of discrimination and not an excuse for continued inequities.

One of the biggest reasons that some colleges have dragged their feet when it comes to gender equity is that they see it as a threat to their football programs. As I think we will hear today, compliance with title IX does not mean an end to football. I don't think anyone wants to eliminate opportunities for men to play sports, including football; we just want to increase the chances for women athletes to compete.

By the same token, football is not the automatic cash cow that some would have you believe. Most football programs, as President Hearn will testify, actually lose money and are subsidized in many ways, including mandatory student fees that are charged to all students, both male and female. The drive for television revenues has probably claimed more football victims than gender equity. Many college presidents have become concerned about the rising costs of football programs even in the absence of gender equity considerations.

Our staff has been working closely with the Lyndon B. Johnson School of Public Affairs staff to increase public and university understanding of gender equity in athletics and the role of the U.S. Office of Civil Rights in articulating and carrying Federal Government responsibilities under title IX. I am going to be bringing the

importance of this report to the attention of the new Secretary of Education. I have copies here for subcommittee members.

Finally, the past administration had a woeful record in the enforcement of title IX, and I'm hopeful that the new administration will do a much better job and, at the same time, schools will more vigorously do their part. Twenty years is too long to wait for enforcement of a law passed by Congress. It's clear that neither the NCAA nor colleges are going to do the right thing any time soon.

As the first step to increase compliance with title IX, I am today introducing legislation requiring all institutions of higher education receiving Federal funds to disclose their expenditures on men's and women's athletic programs, participation rates, and sports offered to men and women. Modeled after the Student Right to Know and Campus Security Act, this bill will provide prospective students and the public with specific information on each school's efforts to provide gender equity and fairness for all of its students.

Mr. Stearns.

Mr. STEARNS. Madam Chairwoman, thank you very much, and I'm delighted to be here, and I want to compliment you on putting this hearing together with my staff and want you to know that we on this side of the aisle view this as a nonpartisan issue.

This is my first hearing as the ranking Republican of the subcommittee. I would like to say that I look forward to working with you and other subcommittee members on these many important issues that will be confronting us during the 103rd Congress.

As an avid basketball player myself and having played the women—the Congressional team played the women who were Olympic athletes—we lost to them 2 years in a row, so I agree with you, women can compete. We did it as a fund-raiser.

Also, I have some personal experience. My wife was a high school teacher and taught gymnastics up in Darien, Conn., and her team did not have the facilities, and sometimes they would have to move out of the room into the hallway to practice. So I'm very sympathetic and empathetic to this gender equity issue. But I want you to know that her team placed second in the State even without the facilities.

I realize the important role that sports can play in young people's lives. The athletic and personal skills developed through active athletic competition yield lifelong benefits to the young women and, of course, to young men who participate. One of Congress's desires in passing title IX was to give young women, like young men, the opportunity to benefit from participating in intercollegiate athletics.

The NCAA has shown, through their gender equity study, that more needs to be done to bring colleges and universities into compliance with title IX. I am pleased to see that the NCAA has called together interested parties from different backgrounds to address this issue through a gender equity task force. These individuals and member institutions face a challenging task in achieving gender equity at a time when many intercollegiate programs are losing money. However, I am confident that university presidents have both the desire and creativity to make gender equity a reality.

I would like to thank our witnesses for coming and sharing their insight on this issue.

Thank you, Madam Chairwoman.

Mrs. COLLINS. Mr. Towns.

Mr. TOWNS. Thank you, Madam Chair.

I would like to commend you first for the time and energy and the kind of commitment that you have demonstrated in trying to rectify this very serious problem. At one point I think that maybe the NCAA did not think that we were serious, but I think that the message has to go forth that this is a form of discrimination that we feel very strongly about and that it should be rectified.

You hear many stories out there that the girls' basketball team will be able to practice today if the men finish early. That is discrimination, and I think that that is the kind of thing that needs to stop. Twenty years later, we are still talking about things that everyone felt at that time would be resolved by now.

Parity is something that we need to come to grips with. We looked at the situation that exists even with coaches, and you hear the stories of where you have a university where the female almost exists on minimum wage, and she is a coach, and the male coach is making close to $1 million because he has a TV contract and he has a radio show and he has all kinds of speaking engagements, and you can go on and on. That is something that has to be addressed.

Then you hear the other side: "The Congress should not be involved in the situation. Why do you have to get involved in it?" Well, we have to get involved in it because, for some reason or another, the NCAA has not dealt with this in the fashion that we feel that it should have dealt with it.

So I would like to commend my colleagues here for spending the kind of time and letting the message go forth that this is something that must be rectified and it must be rectified now. This is obvious, outright discrimination that must be corrected.

Thank you, Madam Chair.

Mrs. COLLINS. Mr. Greenwood.

Mr. GREENWOOD. I have no statement.

Mrs. COLLINS. Thank you.

We have been joined by the ranking Republican member of the full Energy and Commerce Committee—and I wonder if he would like to say something at this point—Mr. Carlos Moorhead of California.

Mr. Moorhead.

Mr. MOORHEAD. Thank you. Thank you, Madam Chairwoman.

The NCAA gender equity study has shown us that schools are not meeting the requirements of title IX and they need to be brought into compliance. However, by conducting this study the NCAA has shown its willingness at least to examine the areas where inequities occur. By appointing a gender equity task force, the NCAA has indicated its commitment to developing solutions to the problems identified in the study.

I am sure that those who follow sports have seen many areas in which women are outstanding at the present time, college sports such as basketball, gymnastics, and of course out in my country around UCLA are volleyball and many of the sports that aren't big

in other parts of the country but are very big in the Los Angeles area.

A lot has to yet be done in order to give women the same opportunities that men have in sports, and I'm pleased to see that the NCAA is bringing people here with divergent points of view from their task force and witnesses representing some of those varying viewpoints.

I know that we have a job to do here in the committee in seeing that gender equity is brought into the athletics field and the colleges of the country, and I compliment you on it.

Mrs. COLLINS. I thank the gentleman very much. The mere fact of his presence here this morning is an indication of the bipartisan nature of the matter that we are looking at, at this point in time, and the fact that we all want to see to it that gender equity becomes more than just a couple of words that we banter around for the next 20 years and that indeed we want to do something about that. So I am deeply grateful that you have come and are willing to hear from us.

I understand that Mr. Stearns has a request to make.

Mr. STEARNS. Madam Chairwoman, I would like to submit for the record the opening statement of my colleague, Alex McMillan.

Mrs. COLLINS. Without objection, it is so ordered.

Mr. STEARNS. Thank you.

[The prepared statement of Mr. McMillan follows:]

STATEMENT OF HON. ALEX MCMILLAN

Thank you, Madam Chairwoman. During the last session of Congress, I was pleased to participate in a number of hearings concerning intercollegiate athletics. I was gratified to note that the NCAA has taken substantive and immediate steps to address concerns expressed in those hearings.

The first witness to appear before the subcommittee in those hearings was Creed Black, President of the Knight Foundation which is located in my hometown of Charlotte, NC. Mr. Black testified in great detail on the comprehensive report of the Knight Foundation's Commission on Intercollegiate Athletics, issued some 3 months before the hearings. He expressed hope that Members of Congress would lend their encouragement to the reform movement already underway in intercollegiate athletics and asked that we give higher education the opportunity to fulfill its own responsibility to internal reform.

I am pleased that Creed Black's challenge to the colleges in the NCAA has been accepted. At the 1993 NCAA Convention, NCAA members overwhelmingly approved a new program of institutional certification and adopted virtually all of the due process reforms suggested by the blue-ribbon Lee Committee last year.

The Knight Commission congratulated the Convention stating that new institutional certification "cements into place the athletic reform legislation raising academic standards and controlling costs" adopted in 1991 and 1992. The Knight Commission also praised the reform package enacted by the NCAA which parallels the "one-plus-three" model stressed by the Commission last year. This model calls for control of college athletic programs by the presidents of each university through academic integrity, financial integrity and certification.

As we turn to gender equity within intercollegiate athletics, I would like to extend a particular welcome to one of our witnesses, President Thomas Hearn of Wake Forest University. Dr. Hearn is one of our State's premier educators and I look forward to hearing his thoughts on gender equity.

Mrs. COLLINS. Let the record show that any other opening statements will be inserted in the proper part of the record.

We now bring forth our witnesses. Our first witness this morning is going to be Dr. Thomas K. Hearn, Jr., who is the president of

Wake Forest University. He is accompanied by Ms. Dianne Dailey, who is the director of women's athletics at Wake Forest University.

Won't you come forward, please.

I also am going to bring up Ms. Phyllis L. Howlett, who is the co-chair of the NCAA Task Force on Gender Equity; Mr. Grant G. Teaff, director of athletics for Baylor University; and Ms. Donna A. Lopiano, who is executive director of the Women's Sports Foundation.

Won't you come forward, please.

Dr. Hearn and all of you, as you very well know, we operate under the 5-minute rule, which is a House rule, and so if you hear this bell go off it means that your 5 minutes have expired, but with the full knowledge that your entire testimony will be made a part of the record. So we ask that you summarize as best you can in those 5 minutes.

You may begin at this point, please.

STATEMENTS OF THOMAS K. HEARN, JR., PRESIDENT, WAKE FOREST UNIVERSITY, ACCOMPANIED BY DIANNE DAILEY, DIRECTOR, WOMEN'S ATHLETICS; PHYLLIS L. HOWLETT, CO-CHAIR, NCAA TASK FORCE ON GENDER EQUITY; GRANT G. TEAFF, DIRECTOR OF ATHLETICS, BAYLOR UNIVERSITY; AND DONNA A. LOPIANO, EXECUTIVE DIRECTOR, WOMEN'S SPORTS FOUNDATION

Mr. HEARN. Thank you, Madam Chairwoman and honorable members of the committee. We appreciate this opportunity to be here today to discuss this issue of great moment.

All of you are aware that college sports have been undergoing a series of transforming changes, generally referred to as the reform movement. It has been my pleasure to serve on the Presidents' Commission of the NCAA and also on the Knight Commission on Intercollegiate Athletics, and certainly one of the most important things that has happened has been the emergence of the presidents as a force for change in the NCAA.

As Director Schultz said recently, the people who think that the presidents are not in charge have not been to a recent convention, because our agenda has been passing by overwhelming majorities, and we are not finished. The issue of gender equity has been identified as the leading matter, along with financial issues, for next year, and we expect there to be major outcomes from the study which Phyllis Howlett will describe.

It is important to note that the certification matter, a kind of accreditation program for athletic programs, which was adopted at this year's convention contains as one of its four major ingredients, which all institutions are going to have to confront and answer, that they are making steady progress toward the achievement of equity for all of our students and all of our staff in all of our institutions.

We are dealing, of course, here with simply another instance of a very broad cultural change affecting the role of women in society. It is important for higher education and it is important for athletics to exercise a leading position in this effort. I know of no one who is not committed to that principle, and I want to assure you

that the Presidents' Commission is committed and you can expect there to be continuing and decisive action and concern.

We deal, however, with this issue in the context of a very difficult financial environment. Contrary to the public opinion that athletic programs are awash in money—they see the large crowds and the television revenue, and they assume that there is money in athletics—the fact is that most of the major programs—the most recent information that we have, in 1989, 40 percent of 107 programs in Division 1A—that is the highest level of competition—40 percent of those programs were operating in deficit. That was in 1989. The situation is now clearly much worse.

Compounding this is, of course, the fact that this recession has had a devastating effect on higher education. I do not know a major public university system in the country that is not having awful financial outcomes involving staff and academic programs and libraries and research facilities, and so the problems in athletics are being compounded by the problems in higher education generally. These problems do wash across the athletic program.

Our tuition at Wake Forest is $12,000. Last week, our trustees raised that by $1,000. That adds immediately to the Athletic Department's budget $200,000 just to pay for the increased tuition costs for currently awarded scholarships. When we add the additional costs of room and board that will be appended to that, the Athletic Department is going to have to assume $300,000 in additional costs next year before another nickel is spent on anything.

So the question is, are we going to be able to continue to achieve gender equity and title IX compliance without diminishing opportunities for the men's program, and I think the answer to that is no. The athletic enterprise in the seventies and eighties has grown too large for higher education to be able to sustain it, and many of the sources of revenue which supported that expansion are certainly in jeopardy—most notably television.

Let me just say in conclusion, Madam Chairwoman, that we would not—speaking for the Presidents' Commission—oppose any kind of disclosure. As a matter of fact, the kinds of requests for information that you were mentioning as part of the legislation which you have in mind would, in fact, be required now as part of the certification program, and I believe that one of the things that the NCAA has learned is that getting information out to those who need it is in everybody's best interest, and I believe you will find an extremely supportive response from the NCAA to issues of disclosure. What we don't want to do is to have to engage in expensive staff and other kinds of efforts that involve compliance that take time and money and effort that we could devote to the actual solution of this problem.

[The prepared statement and responses to subcommittee questions of Mr. Hearn follow:]

STATEMENT OF THOMAS K. HEARN, JR., PRESIDENT, WAKE FOREST UNIVERSITY

Madam Chairwoman and members of the subcommittee: I am grateful for this opportunity to speak about a matter of importance to you, to higher education, to athletic directors and coaches, but most significantly, to the students at our institutions of higher learning who seek to enhance their educations through participation in collegiate athletics.

The moral issue of gender equity and its legal expression through Title IX have been given high priority by the NCAA, the Presidents' Commission of the NCAA, and other national organizations with an interest in collegiate athletics, most notably the Knight Foundation Commission on Intercollegiate Athletics. I am privileged to serve on the Presidents' Commission and as a member of the Knight Commission. I am accompanied by Wake Forest's Director of Women's Athletics, Ms. Dianne Dailey.

I want to affirm emphatically that college and university presidents are dealing every day with strategies to ensure that our women students have opportunities to compete that meet both the spirit and the letter of Title IX obligations. It is a leading national agenda item for the NCAA convention next January. People want to do the right thing. There is consensus on the matter of principle.

Having affirmed the importance of the issue, we all recognize that this effort is complex and expensive in its implementation. We are faced generally with changes in opportunities for women in every segment and sector of society. Higher education and collegiate athletics must also face these changes and find solutions to open opportunities. I am convinced that colleges and universities are taking seriously their responsibilities to women student-athletes. All of us are being asked to assume the responsibility for a change involving the entire culture. Higher education must take a leadership role in that change. But changes of this magnitude are lengthy and unpredictable processes, and it is especially difficult at any point to say how much effort is enough. I hope that this does not mean that this issue will be in litigation for the future yet unforeseen, but it may.

At Wake Forest, for example, we are celebrating this year the fiftieth anniversary of the admission of women as full-time students. Our enrollment is evenly balanced between women and men. Among other curriculum opportunities, we have a superb women's studies program which regularly enrolls both male and female students. Our men and women students are equally well qualified and compete evenly for academic achievements and honors. Indeed, the most visible national symbol of Wake Forest at the moment is Professor Maya Angelou after her Inaugural appearance. We continuously ask ourselves, "Are we doing enough?" And the answer always comes back, "There is more we should do."

Gender equity is not just a matter of money, it is a matter of access to opportunity. This is true in sports as well as academics. However, the fact is that creating and increasing opportunities do require money, and those of us who lead universities are grappling with financial questions of crisis proportions.

Collegiate athletic programs have been in fiscal distress for some time. Of the 107 institutions in NCAA Division I-A, 40 percent had athletic program operating deficits in 1989, which was the last reporting period. According to Ted Tow, associate executive director of the NCAA, the situation has deteriorated since that time.

Compounding this dilemma is the serious and deteriorating economic climate in which virtually all colleges and universities operate. Across the country, tax revenues have fallen, and public universities have seen major erosion of their tax support. Presidents are under mandate from State legislatures to cut costs. Almost every major public institution has had its resource base diminished, some drastically. One need only look at the huge deficits being posted by distinguished private institutions—many who have a low percentage of total budget committed to intercollegiate athletics—to know that diminishing dollars for higher education must serve a widening range of academic demands, from technology to the salaries needed to put professors in classrooms to the grim specter of deferred physical plant maintenance. In academics and athletics, what we should do forms a priority list for what we can do as funds become available.

The lesson here is radically at odds with the public perception of athletic departments awash in money. We built, in an environment of expanding resources, an athletic gorilla we cannot feed. This problem is complicated by the effects of recession on higher education. Television has given, and now television is taking away. How can there be new dollars for any purpose in athletics when faculty have lost salaries or jobs and the library budget has been slashed?

College and university campuses are, of course, affected in differing degrees by the quandary of allocating shrinking funds. At Wake Forest, our tuition is $12,000 annually, a relatively low figure among private schools. Because we have a historic commitment to students of less than affluent means and a need-blind admissions policy, we have been cautious about raising tuition and generous with student aid. Last week, our trustees approved a tuition increase of 8.3 percent, about $1,000. That increase to a still relatively low tuition figure, however, translates to $200,000 that our athletic department must add to its budget expenditures even before addressing the issues of salary increases and other operational increases. Every full

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athletic scholarship at Wake Forest in 1993-94 will mean $19,020 of revenue that must be generated by our athletic department. Obviously, at public institutions that figure is lower because tuition is lower, but because of public university budget cuts, funding full athletic scholarships remains difficult. When other educational needs are unmet, the athletic issue takes on a different cast.

Unless Wake Forest supplements athletics from academic resources, which we have not done, the athletic department must increase its revenues to cover the tuition increase, not to mention any staff salary increases or other operating increases. It means our fund-raisers must find more money from private sources. It means that we must find ways to cut costs in athletics. This comes at a time when we have just added women's field hockey scholarships at a cost of $88,000 per year and are about to add a women's soccer program at a $90,000 annual expense. Every addition of every sport requires expenditures not only for scholarships, but also for recruiting, travel, equipment, supplies, and personnel.

The questions in this fiscal climate are whether Title IX compliance can be fully realized with new revenues or by reallocating from men's programs without diminishing the quality of men's programs. The answer is a qualified "no." The qualification is added because of football programs. Some schools—those which award no athletic scholarships and those which do not have large, expensive football programs—have realized or are approaching gender equity. At Wake Forest, our athletic scholarship awards without football would approach parity, with 60 percent going to men and 40 percent to women.

Another widespread mistaken perception is that football, because it is a major and highly visible revenue sport, generates large profits. Unfortunately, this perception is wrong. It is an enormously expensive sport, so that profits—where they exist—are insignificant in all but a fraction of NCAA Division I-A schools.

Because of the effect of football on all sports and on the scholarship balance in particular, women advocates for progress are placed in the unwelcome position of being critics of men's sports programs. Most women with whom I have spoken about this issue don't want it to be cast in terms of reduced opportunity for men to provide opportunities for women. University presidents and athletic directors, therefore, in the councils of the NCAA, must speak up and say how we will effect cost reductions and other efficiencies to support women's athletics.

The reform movement has and will have both academic and financial concerns. We have sought to provide college sports with academic principles and fiscal responsibility. Our premise is simple: that universities must educate student athletes, all of them. Perhaps the most visible—and, I might add, controversial—changes we have advocated affect football. Spending disparities between men and women are created by Division I-A football, for which there is no comparable women's sport and in which there are comparatively large average squad sizes, huge capital investment, and daunting operating costs. We have advocated smaller squad sizes in football, reduction in the size of coaching staffs, and other changes, which can lead to expanded opportunities for other students.

Since 1964, the last year of one-platoon football, limits on football scholarships have been implemented. The first limit came in 1973, with a cap of 105. From 1988 to 1993, the limit went from 95 to 88, and next year it will be 85 scholarships. Theoretically, these reductions should enable us to apply the needed funds to women's athletics, and in many places, including Wake Forest, that has happened. However, with the example I cited earlier regarding our tuition increase, you can see that the reduction in football scholarships doesn't even offset a moderate tuition increase. So reducing football costs alone cannot enable Division I-A institutions to meet the obligations of gender equity and Title IX.

There are efforts underway nationally, through the leadership of the NCAA, to address the issue of how we cut costs and reallocate funds to open opportunity for women in collegiate sports. There are appropriate pressures toward compliance, including the fact that gender equity will be a required standard for the NCAA certification program just adopted. The outcome will be change.

These recommendations will need to be joined with those of the Special NCAA Committee to Review Financial Conditions in Intercollegiate Athletics. Bringing down expenses is vital for all sorts of reasons including gender issues.

The NCAA Gender Equity Task Force, for example, is also examining other recommendations which go deeper into the cultural change required. These will include better marketing and publicity strategies for women's revenue sports, so that those programs can pay for themselves and provide additional revenue. Only women's basketball is currently approaching the kind of success we envision. This year, for example, I am told that the University of Virginia sold 8,000 season tickets

for its women's basketball program. Women's volleyball holds a realistic prospect of becoming a revenue sport, along with soccer.

But as American industry has learned, this is an era of restraint.

Mr. Schultz has proposed a football playoff to help raise revenues to be applied in part to women's sports. We may be driven to seek new revenue, but there is serious concern about the effect of such a proposal.

These efforts are good faith evidence of our intent to allocate resources to open opportunities to women. People in higher education want to do what is right.

There are, of course, ways to help open opportunity that are cost-free. The scheduling of practice times in arenas or fields shared by men's and women's teams can become a battleground between and among coaches. Leadership from athletic directors and presidents can ensure that use of facilities is allocated fairly. Marketing and publicity dollars can be reallocated, and a new distribution of existing resources can be made without new expenditures.

You asked me to answer three questions, and I will conclude by summarizing the answers.

The controversy about gender equity is a matter of opportunity and money. There are not enough revenues to provide adequate opportunities for women athletes without a negative effect on men's sports funding levels at schools with major football programs. Those schools constitute a small percentage of the NCAA's member institutions. Because of the general fiscal environment of colleges and universities today, financing gender equity is complicated by financing academic needs.

According to NCAA sources, many schools have already achieved equity, under any definition and specifically under the terms of Title IX, but they are schools either without athletic scholarships or without major football programs.

The response of college and university presidents, has in my opinion, been appropriate and it is ongoing. The NCAA has placed the issue "on the front burner."

I strongly advise against Federal intervention. One certain result of Federal intervention would be added expenses for athletic departments—personnel, reporting mechanisms, and so forth—which would increase costs at a time when we are trying to reduce costs for the express purpose of reallocating dollars to women's athletics. University presidents already face pressure from State legislatures to comply with gender equity and Title IX, and Federal intervention would be another regulatory requirement which is inevitably expensive.

I do, however, caution that because we are effecting a cultural change in our society, one that extends beyond the boundaries of college campuses. We need time and opportunity for dialogue to complete the implementation of Title IX. The NCAA Gender-Equity Task Force will deliver a preliminary report to the membership by June, and we will see significant changes resulting from this effort.

Thank you for your attention to this important issue.

RESPONSES TO SUBCOMMITTEE QUESTIONS BY THOMAS K. HEARN, JR.

1. Is the fight about gender equity in sports just a matter of money?

Gender equity is much more than a matter of money. It is a matter of opportunity and a moral issue. However, to open the opportunities required by Title IX, major funding is necessary. Because of the recent recession, many colleges and universities face the most devastating fiscal conditions experienced since the Great Depression. Athletic department budgets were already in a crisis situation before the recession.

Forty percent of NCAA Division IA athletic programs reported operating deficits in 1989, and the situation has deteriorated since then. The costs of ensuring gender equity are therefore a matter of serious concern to those who lead institutions of higher education. "Just a matter of money" implies a quick fix. Finding the money is an issue that requires careful and well-planned actions.

Are there enough revenues to provide increased opportunities for women athletes without a negative effect on men's sports funding levels?

The answer is a qualified "no." At institutions without major football programs or without athletic scholarships, compliance is somewhat easier to achieve, and many of those institutions have achieved it.

But for other colleges and universities, especially those with expensive major football programs, considerable additional revenues will be required. Reducing opportunities for men might be viewed as the only viable option.

By NCAA ruling, men's programs must already reduce scholarships by 10 percent across the board next year, with the intent of having the money saved designated for women's sports. Reductions in men's sports are already being made and further changes will doubtless be considered.

2. Have college and university presidents played a strong enough role in bringing about equal opportunities for women in college sports?

The NCAA Presidents' Commission, on which I serve, has identified gender equity as one of the major issues for this year. The Commission is represented on the NCAA Gender Equity Task Force and has its own subcommittee devoted to evaluate the work of the task force. The Knight Commission has also taken a strong stand on gender equity.

At the institutional level, many schools, under the leadership of their presidents, have already assured equitable opportunities for women. At other institutions, presidents are searching for the best ways to bring about gender equity. I believe that, yes, college and university presidents are giving strong leadership in this issue.

3. The executive director of the NCAA testified at the April 9, 1992, Title IX hearing that gender equity would be placed on the front burner. In your opinion, has this happened? Is further Federal intervention needed to make gender equity a reality?

Yes, gender equity is a primary issue in the NCAA. The priority given to Title IX in the task forces and committees attest its importance. Gender equity will be a required standard for the NCAA certification program just adopted.

No, Federal intervention is not the answer to making gender equity a reality. Athletic departments that are now working hard to cut costs so that dollars can be reallocated to support women's athletic programs would probably have to add personnel and would incur other costs if such intervention occurred. State legislatures, too, are bringing pressures to bear on university presidents, so that Federal intervention would be redundant.

What is needed is the appropriate time to study the issues and formulate recommended action plans.

The NCAA Gender Equity Task Force will present specific proposals at its January, 1994 convention. Those recommendations should translate into more progress toward compliance with Title IX.

The process for change is already underway. Federal intervention now would be redundant.

Mrs. COLLINS. Ms. Howlett.

STATEMENT OF PHYLLIS L. HOWLETT

Ms. HOWLETT. Thank you, Congresswoman Collins. We share not only a common home State but an interest in the same issue here, and I really appreciate the opportunity to be here.

My name is Phyllis L. Howlett. I am the assistant commissioner of the Big Ten Conference and, in the capacity of testifying here, am chair of the Task Force on Gender Equity that is sponsored by the NCAA. I'm the ultimate testifier because I left the hotel without my glasses, so I will not be reading to you today. I have a borrowed pair which will serve me if it's important, but I wouldn't trust it too far.

What I would like to do, as opposed to reading my testimony, which you already have, is to give you a sense of the landscape of what is occurring at the NCAA at this time so that you have a total picture of the kinds of efforts that are centered around this issue or have effect on this issue.

The first thing that I would cite is the certification process which was adopted at the convention in January. One of the component parts of that—and my colleague to my left here has already mentioned that to you—is the certification process which will talk about equity and attempt to measure what is occurring on our campuses with regard to equity as part of their certification as a member of the NCAA. Some of that has not been totally fleshed out at this point, and it is anticipated that the task force will provide some more specific pieces to that. But I think it is an extremely important element of what the Association is doing because it

will be, if you will, an enforcement, an education arm to help universities and colleges to understand what is expected in terms of standards and to help them do what is necessary to comply.

The next thing that the Association is involved in is a proposed restructuring of the championships offerings by the National Association which will, insofar as possible, eliminate gender bias which has been there in the past. The reason gender bias had occurred in the past was because in some instances when championships were able to provide income to support other championships, they were allowed to expand brackets or receive different per diems than other championships.

The NCAA Executive Committee, of which I am a part, has relooked at that entire championship offering, and in front of the membership at this time is a proposal which will allow championships to be driven more by the sponsorship by institutions as opposed to by revenue production. There is a precedent for that, and you may well remember the last time the men's basketball championship contract was negotiated.

In the past, proceeds from television income for the Final Four had been distributed back to the participants, and because of the large size of the last television negotiation a package was put together which was a distribution package which disallowed the enhancement of those who had necessarily won the championship but would provide an opportunity based on a number of different values, including broad-based programs and such, to bring finances back to the institutions.

In addition to the task force, of course, there is the ongoing Committee on Women's Athletics which at all times is monitoring and forwarding recommendations which will affect the treatment of women in sport, and I would like to indicate that I see this whole process as a continuum. All of you work with social change, and you understand the complexities of that, and it is no simple matter, and I certainly wish it were, because if it were, you would be happier and I would be happier, but we all know that social change is difficult, it is complex.

I would anticipate that during the period of the functioning of the task force, which I will anticipate to conclude certainly by May or June, that the focus on some resolutions will be heightened, but, by the same token, I see this as an ongoing situation. I don't think that once the task force has completed its work that the interest and energy devoted to this serious consideration will go away.

Let me give you just a quick understanding of where the task force is. Much of the work right now is being done in two subcommittees, one dealing with the Association itself, one dealing with institutions, and many of those recommendations have not yet been embraced by the entire task force. We anticipate that to occur in the next month or so. We anticipate public hearings probably by April, and hopefully the final package will be together by June. That is my most optimistic prediction.

[The prepared statement of Ms. Howlett follows:]

STATEMENT OF PHYLLIS L. HOWLETT, CO-CHAIR, NCAA TASK FORCE ON GENDER EQUITY

Madam Chairwoman, Members of the Subcommittee. I am Phyllis L. Howlett, Assistant Commissioner of the Big Ten Conference and Co-Chair, with President James J. Whelan of Ithaca College, of the NCAA's Task Force on Gender Equity. I am also Chair of the NCAA Committee on Women's Athletics. I am happy to appear here today as a representative of the NCAA and its Gender Equity Task Force.

The NCAA report of last spring provided strong evidence that the NCAA needed to increase its efforts to provide athletics opportunities to students without regard to gender. The report showed that while some institutions had done better than others in this regard, intercollegiate athletics as a whole had a long way to go in achieving full compliance with the law and the spirit of gender equity.

As many subcommittee members know, the NCAA—acting at the same time it released the survey results—began the process of constituting a Task Force on Gender Equity, the responsibility of which was to offer creative solutions to deal with the problems identified by the survey. As ultimately constituted, the panel represented widely divergent views and constituencies within the NCAA membership, and also included consultants outside the membership, including Donna Lopiano of the Women's Sports Foundation, Senator Bradley and then Congressman Tom McMillan from the Congress, Ellen Vargyas of the National Women's Law Center, and representatives of the Office for Civil Rights of the Department of Education.

The Task Force has met four times, most recently last month after the NCAA Convention, and tentatively expects to meet four more times before issuing a preliminary report for review and comment by the NCAA membership in May or June. We anticipate issuing a final report later in the year, in sufficient time to permit the NCAA Council, NCAA Presidents Commission, or other elements of the membership to offer legislation at the 1994 Convention based on or derived from our report.

Notwithstanding the diversity of view within the Task Force, I think we are beginning to make significant progress toward our goal. Let me outline for you some concepts now under serious discussion, first with reference to our subcommittee dealing with actions by individual institutions, and second with reference to the subcommittee of NCAA standards.

One major focus of the first of our subcommittees is how to measure accurately the interest in athletics among female students at a given institution. This is an extremely important matter: under current regulations of the Department of Education, athletics participation of the sexes should be in proportion to enrollment, unless it can be shown that the interests and abilities of female students have been fully and effectively accommodated equivalently to those of male students.

Because of the historical discouragement of female participation, an accurate measurement of interest in athletics among women can be difficult to achieve. There is no standard tool to measure such interest. We must develop such an instrument and develop sound systems for calculating participation in athletics. Levels of interest and ability may vary from campus to campus and from year to year. So we are looking into a variety of methods for assessing interest in women's sports, including high school participation data and participation of collegiate club and intramural teams.

We are also in contact with the Office for Civil Rights to learn more about its methods of assessing interest among female students and are considering the merit of conducting exit interviews to determine whether women drop out of sports more often than men, and if so, why. As we approach the question of interest, we have to be very careful to make sure that "lack of interest" does not become a pretext for doing nothing. We need to both measure interest and encourage interest in athletics among female students.

The subcommittee also is surveying member institutions to determine the methods and programs that aid in achieving gender equity and has commissioned a working paper on marketing strategies for women's sports. The second task force subcommittee has been developing proposals for possible changes in NCAA legislation, to the end of developing greater gender equity at the Association level.

Before turning to those proposals, however, I should note that at the NCAA's recent Convention, action was taken on a number of legislative items bearing on the gender equity issue. Thus, for example, at the same time that the Convention was rejecting a proposal to limit reductions in Division I men's basketball scholarships, the members reinstated the maximum allowable grants-in-aid in women's basketball to its previous level, and canceled certain other scheduled reductions in grants for women's sports.

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The Convention also exempted from the NCAA's general 5-year eligibility rule those women who competed in intercollegiate sports before the NCAA established women's championships, and marginally increased the opportunity to use sponsorship of women's or mixed gender teams as a basis for qualifying for Division I membership.

Most important in the long run, perhaps, the Convention approved by a wide margin the new peer review certification program for Division I institutions, extending and making more meaningful the presently existing NCAA requirements for periodic institutional self-study. Consistent with the recommendation of our Task Force, the program contains a component related to gender equity: "An institution shall demonstrate that in the area of intercollegiate athletics, it is committed to the fair and equitable treatment of both men and women. It shall have available adequate information for assessing its current progress in this area and an institutional plan for addressing it in the future. The plan shall provide for accommodating the evolving standards of the Association in the area of gender equity."

Although the recommendations of our Task Force will not be considered until the 1994 Convention, it should be noted that passage of the gender equity component of the certification plan is a step of enormous importance in requiring institutional planning in this area.

In this regard, one of the actions taken at the recent meeting of our Task Force is to request subcommittee members to develop recommendations for developing standards to be used by peer review teams in dealing with the gender equity aspects of the certification process. We will undoubtedly include recommendations on this subject in our final report to the NCAA membership.

The subcommittee also offered a number of recommendations designed to provide greater flexibility in establishing and maintaining NCAA women's championships based upon the number of institutions offering a sport, and recommended that selected non-NCAA sports be acceptable for meeting NCAA membership requirements and in determining an institution's share under the NCAA revenue distributed plan. I want to point out the significance of the recently proposed changes in the NCAA's championships. Far and away the main beneficiary of these changes will be women's programs because of the expansion of brackets in a number of women's championships.

In the area of women administrators, the subcommittee recommendations included the appointment of more qualified women to NCAA committees, education of the membership on the purpose of a senior women's athletics administrator position, and encouragement of appointment of more women as institutional faculty athletics representatives.

In short, Madam Chairwoman, I think our Task Force is developing some important concepts that will merit serious consideration by the membership in the months immediately ahead. The implementation of greater gender equity in our members' athletics programs is a complex undertaking, and I think I speak for all members of the Task Force when I say that we are simply not interested in a "quick fix". On this note, I would like to respond briefly to the questions related to the sport of football contained in my invitation to testify. First, you ask if implementation of gender equity automatically results in reduction in spending on football. My response is "No, not necessarily", but I would be foolish not to acknowledge that at least on some campuses, the unique nature and size of a football program can be identified as a major factor, if not the major factor, in the disproportionate amount of spending on men's sports. Increased opportunities for women's sports almost inevitably cost money, and if new sources of covering those expenses cannot be found, they must be generated by cutting from the existing program, including football if that is appropriate.

Second, as to the question whether reduced spending on football will result in revenue loss which in turn will hurt women's programs, I would have to believe the question is too speculative for me to give a meaningful answer. Division I football in general competes for spectator and viewer attention with several other forms of entertainment. We know from experience in the last few years, in which a vastly increased number of games has appeared and in which program ratings have declined, that viewer demand for college football on television is pretty elastic. Whether spending cuts would further lessen football's appeal to spectators is really unknown, and I don't think anyone is anxious to find out. What we all hope is that we can create new opportunities for women in intercollegiate athletics without engaging in harmful cuts to men's sports, in football or otherwise.

Thank you again for the opportunity to appear before the subcommittee.

Mrs. COLLINS. Mr. Teaff.

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STATEMENT OF GRANT G. TEAFF

Mr. TEAFF. Thank you, Madam Chairwoman and members of the committee. I am really honored to be here today to try to assist in whatever way I could in this very complex but very important issue.

My background sort of, I think, gives me a unique situation in modern-day athletics. I coached football as a head coach for 30 years in small colleges, and Baylor University is not known as the largest school in the country either, but I have been deeply involved in the importance of education through student athletes, and we lead the Sawhorse Conference in graduation rates and feel very good about that.

But I became the athletic director at Baylor University in May of last year, and, as most football coaches, we spend most of our time trying to achieve success in the area that we are involved in and are rather ignorant in many ways of what goes on in the athletic department. But since May I have found a unique opportunity for education, and being a member of the Gender Equity Committee has given me a great sense of education.

Being a person all along that is interested in women's issues and our women's sports program, it allowed me to sort of come in fresh in May and look at what had been done at our university from a different perspective and try to jump in with both feet.

Our university lost money for the last 4 years; in our total athletic program we have a deficit. Our football program makes each year from half a million to a million above our cost of football, and many of the CFA Division 1A schools—75 percent, as a matter of fact, of the respondents of a recent inquiry—make money over what they spend.

So I think it has been very important for me to become educated in the needs of our university for women's programs, and I would be happy to respond to any questions concerning what we are trying to do in our university, which I think is probably a good representative of many universities in that we are not one of the so-called rich universities.

The other thing that I think is very important is that I have a strong tie to coaches. Having coached at Baylor University for 21 years, and having been a coach for 37 years, I have been deeply involved in national issues from the coach's standpoint. I serve as trustee of the American Football Coaches Association, and I have been 10-year chairman of the Ethics Committee of the American Football Coaches Association NCAA rules that helped set our game, and I have a great relationship with those coaches, and in the last few months one of the important things that I have been able to do from the Gender Equity Committee is to educate our football coaches, and I would be very happy to report to you that it has been very, very inspiring to me in the last 2 or 3 weeks as our football coaches nationwide have learned about this issue of title IX, gender equity, we have been able to alleviate some of the fears that were out there, because there is a great concern that the intent is to destroy something to build something else, and I have assured them that that was neither the intent of Congress nor this committee nor gender equity nor even title IX. It is, however, to

come to a point of equity in compliance with title IX, and in order to do that, we are going to have to work through football, because football sits out here as a large use of finances and resources and they bring in, in many institutions, a large amount of resources.

What we have to do as coaches is to be aware of the problem and come up with ways that football can contribute in a positive manner without destroying the game or the opportunities for participation.

So I think the most important thing I could report to all of you is that through my work with others on the Gender Equity Committee I have become educated and realize the importance of what we are setting about to do, recognize that it is going to take time; nothing of this magnitude is done immediately, but it needs to be accelerated, and we all desire to do that. So, as a football coach, I hope that you will ask me questions concerning the concept of football and coaches, and I think I have at least the experience to answer you in that way.

So, Madam Chairwoman, I will acquiesce to your next witness.

[The prepared statement of Mr. Teaff follows:]

STATEMENT OF GRANT G. TEAFF, DIRECTOR OF ATHLETICS, BAYLOR UNIVERSITY

Madam Chairwoman, Members of the subcommittee. I am Grant G. Teaff, Director of Athletics, and former head football coach for 21 years at Baylor University in Waco, Texas, and a member of the NCAA Task Force on Gender Equity. I also have served as a Trustee of the American Football Coaches Association (AFCA), as well as a member of many AFCA committees. I greatly appreciate the opportunity to appear before you today. I will leave it to Phyllis Howlett, Co-Chair of the NCAA Task Force on Gender Equity, to discuss the work of the task force, and will focus instead on responding to the questions you have posed concerning the effect of the Title IX regulation and gender equity concepts on college football programs.

You first ask whether "full implementation of Title IX" would automatically require severe cuts in football programs. This question is difficult to answer in general terms, because Title IX compliance is fact specific and depends on the situation from campus to campus. If an institution is out of compliance with Title IX, it has latitude to determine how to come into compliance. Whether those steps would include substantial cuts in football would depend on a variety of factors, including the institution's financial condition and its ability to invest additional funds into intercollegiate athletics, the possibility of cutting other men's sports, and the profitability of the football program.

Yet another difficulty in answering your question is the reference to "full implementation" of Title IX. I'm no lawyer, but there seem to be as many different interpretations of what Title IX requires as there are people interpreting Title IX. I understand Title IX to require equality of athletic opportunity and effective accommodation of student interests and abilities, and not necessarily precise equality.

These concerns aside, football by its nature is a resource-intensive sport, requiring more players, more coaches, and more protective equipment than other sports. The disproportionate funding needed to operate a football program makes football the prime target for efforts to identify additional resources for women's athletics or for other funding needs. An offsetting, but equally important factor, particularly at the Division I level, is that football generates revenue and often provides resources for the entire intercollegiate athletics program. Certainly, this is the case at Baylor. whether a football program can continue to be successful after sustaining funding cuts is a question I hope not to have to address.

Your second question asks whether I agree with the statement made at the April 1992 gender equity hearing that "spending for football, for which there is no comparable women's sport and in which there is comparatively very large average squad size, contributed greatly to the spending disparities." Phyllis Howlett made this statement with reference to the NCAA gender equity study. Although I cannot state positively that football, in fact, accounts for all spending disparities, I do agree that the resources required to conduct a football program are disproportionate to those required to operate other intercollegiate sports programs, so that football probably is largely, although not exclusively, responsible for the spending disparities.

In some cases, the resources acquired for use in the football program can be used on a broader basis for the benefit of women's sports or the overall athletic program. For example, when I became director of athletics last year, I centralized access to video equipment, which previously had been used exclusively for the football team, and made it available for use in all sports. While not all personnel and equipment can be used in this manner, institutions need to consider how and if some of their personnel or equipment, initially acquired for one sport, may be used to benefit the entire intercollegiate athletics program.

Your last question asks for my reaction to the statement by Ellen Vargyas that the university athletic community will not meaningfully address sex discrimination unless it is forced to do so, because special interests want to maintain intercollegiate athletics as "the boys club". I disagree.

First, the statement suggests that the intercollegiate athletic community has not taken steps to eliminate sex discrimination in athletics. Such a suggestion is wrong. The establishment of the NCAA gender equity task force and its work to date represents a true effort of the college community to address gender equity in a serious and practical manner. The statement also fails to recognize the efforts underway at many institutions to improve and strengthen the women's sports program. At Baylor, I have hired a strength coach and conditioning coach who works with all sports, men's and women's. We have two strength and conditioning facilities that are used by all of our student-athletes, male and female. Although my professional life, heretofore, has focused on football, my current goal as director of athletics is to strengthen and improve women's intercollegiate sports at Baylor. I want our women's teams to be competitive and successful, on the field and in the minds of our student body and local community, so that we increase attendance, public interest, and media coverage. I think it is imperative to emphasize promotion and fund raising in women's sports.

Second, while I agree that the college athletic community will not meaningfully address sex discrimination unless it is forced to do so, the statement fails to acknowledge the many external "forces" that are making colleges and universities address Title IX and gender equity. One of the key factors that is "forcing" change at many institutions is simply the public scrutiny and debate over gender equity and opportunities for women. The creation of the NCAA gender equity task force and the emphasis on practical ideas for promoting Title IX compliance are making members of the college community think about the nature of the intercollegiate athletics program on their campus and ways in which opportunities for women can be enhanced, without eliminating existing opportunities for men.

In addition, student interests and demands, congressional oversight, agency enforcement of Title IX, and court orders all operate to "force" colleges and universities to address ways in which to improve the quality and offerings of their women's intercollegiate athletic programs.

Moreover, I think it is overly simplistic to say that colleges and universities will not take action on their own to address Title IX and gender equity because they want to "maintain intercollegiate athletics as a boys' club". On the contrary, I already have commented on the efforts of the intercollegiate athletic community to address gender equity and to expand opportunities for female student-athletes. Whatever it once may have been, college athletics no longer is a "boys' club". Shrinking financial resources and increasing operating costs, not some effort to maintain intercollegiate athletics as an entrenched boys' club, constitute the greatest single obstacle to achieving gender equity.

In summary, we cannot change the nature of football. But that does not mean that we cannot achieve compliance with Title IX and work toward building strong women's intercollegiate athletic programs. That is the goal of the NCAA gender equity task force, and certainly is my mission at Baylor.

Thank you for the opportunity to appear before you. I would be glad to answer any questions you may have.

Mrs. COLLINS. Ms. Lopiano.

STATEMENT OF DONNA A. LOPIANO

Ms. LOPIANO. Fortunately, I remembered my glasses, and I speak a little quicker than Grant does.

Let me directly respond to the three questions put to me by the Chair. The first one was: Will title IX kill football? And maybe to give you a sense of what is happening out there, I think unfortu-

nately football coaches have pitted gender equity against football, or asking the public to choose between their sons and their daughters, and no parent wants to be put in that position.

I explain it to people this way. You are a parent. You have a son and a daughter. For many years for Christmas and for a birthday, you have given your son balls and gloves and bats and hockey sticks and uniforms, and one day your daughter comes to you and says, "My brother will not let me use his glove, will not let me borrow his glove. I want to have a catch with my girlfriends." You, as a parent, say, "Gee, kid, you have got to go out and work, make your own money, and, you know, some day you will be able to buy that glove on your own." Or do you say to your son, "Share with your sister. Sharing is important, equal opportunity is important, sport is important for both of you"? And I think as parents that is what we would do.

Inevitably, your son would say, "Mom, she's going to lose my glove, she's going to burn it, she's going to destroy it." Now insert the word "football" for "glove," and you probably have what is happening today with the position of football coaches.

Football is not going to die, but football will have to share, because over 50 percent of the moneys in intercollegiate athletic budgets are spent by football and basketball. There is no way we can redistribute resources without football, sharing the burden in some way, and it can be done without hurting opportunities for men in sport, I'm convinced of that.

Women's sports are going to have to be put in a position to make money, and I think that is good in terms of exposure and carrying their share of the burden, but I think we are going to have to get rid of so many unnecessary expenses in intercollegiate athletics, and I think it is important for the committee to realize that, in addition to the Gender Equity Task Force, the NCAA has a committee examining financial practices of NCAA member institutions that probably can make a greater dent in terms of legislating against certain expenditures. Then the question will become whether the institution has the will to use those savings and apply those savings to gender equity.

The second question was: Has the NCAA put gender equity on the front burner, or is Federal intervention necessary? The NCAA has put the teapot on the front burner, but it forgot to light the pilot. I think we are being naive if we think that the NCAA is going to legislate anything that will require title IX compliance. We have a situation where almost 100 percent of all NCAA member institutions are not in compliance with title IX. I cannot see them voting, getting a majority vote, to put any teeth into any rule which requires title IX compliance. The NCAA will not do anything in that regard. So you get to the question: Is Federal intervention necessary? and I think the answer is yes.

What can we do? I think there is no question but that better education is necessary. Every institution has a title IX compliance officer. Something as simple as requiring that the title IX compliance officer for every year issue a summary of title IX requirements to athletic directors, to all the student athletes, who are participating in programs would go a long way.

Right now, athletic departments are misinforming female student athletes and their parents. They are saying football is excluded. They are saying it is OK to treat women's sports differently because you don't make as much money as men's sports. There is a great deal of misinformation out there, and no one has the responsibility to educate these people with regard to the law.

I think there is no question that a legislative initiative identical to the one suggested by the good chairwoman is required, and I would suggest that we also add into that, full disclosure including participation by race as well as by gender. I am just as concerned with sport discrimination in terms of most of our African-American and minority students being put into football and track and not participating in other sports. I think institutions have to take a hard look at how they are not providing equal opportunity not only on the basis of gender but on the basis of race.

I think there has to be better training of OCR investigators. I think there has to be better funding of OCR. There just isn't the staff to do the kind of compliance reviews we need to do right now. There needs to be use of Justice. OCR hasn't been talking to Justice over the last 12 years. I think it is important for us to do that.

And the last question, very briefly, is: Will the athletic community meaningfully address sex discrimination unless forced to do so? I think the answer is no. College presidents are between a rock and a hard place. I don't think, as I said before, that they are going to penalize themselves for noncompliance.

[Testimony resumes on p. 28.]

[The prepared statement and responses to subcommittee questions of Ms. Lopiano follow:]

STATEMENT OF DONNA A. LOPIANO, WOMEN'S SPORTS FOUNDATION

I am Donna A. Lopiano, currently the Executive Director of the Women's Sports Foundation, a 501(c)(3) non-profit education organization. The Foundation was founded in 1974 by Billie Jean King, Donna de Varona, Wyomia Tyus and other champion female athletes to promote and enhance sports and fitness opportunities for girls and women. These successful women athletes did not want girls following in their footsteps to face the same barriers to participation as they did. The Foundation produces programming in four areas: education, advocacy, recognition and opportunity.

Prior to accepting my current position in April of 1992, I spent 17 years as the Director for Intercollegiate Athletics for Women at The University of Texas at Austin. The University supported an eight-sport Division I women's athletics program with an annual budget of over $4 million and, during my tenure, was one of the top three programs in the Nation with every sport ranked in the Nation's top ten. The University of Texas was noted for its women's basketball program, which held national attendance records for many years and was one of the few women's basketball programs in the Nation where revenues exceeded expenses. Yet, with a participation rate of 77 percent male/23 percent female athletes in an institution that is 53 percent male/47 percent female in the general student body, the University is still not in compliance with Title IX. Indeed, in July of 1992, female athletes representing four club sport teams (soccer, softball, rowing and gymnastics) filed a Title IX suit against the University alleging failure to provide equal participation opportunities.

I am speaking as an educator and expert in athletic administration. My doctorate is in physical education with an emphasis in administrative theory and behavior and a specialization in athletics administration. Prior to my tenure at The University of Texas at Austin, I was a coach of both men's and women's varsity sports and an athletics administrator in a public urban institution, which did not award financial aid based on athletic ability and supported a program of 30 varsity sports for men and women (14 men's sports, 10 women's sports and six coed sports) with a total annual budget of $200,000.

In my professional opinion, intercollegiate athletics in our Nation's universities are openly discriminating against women in participation opportunities, the provision of educational opportunities via athletic scholarships and the employment of coaches and administrators. Few if any institutions of higher education, or high schools for that matter, are complying with Title IX of the 1972 Education Amendments Act. Here are some facts to prove the point:

—Females comprised over 53 percent of our college undergraduate student population in 1990 (U.S. Department of Education, 1990). Of 282,512 student-athletes participating at NCAA institutions in 1991-92, only 96,467 (34 percent) were women (Participation Study, 1993).

—Contrary to popular thought, men's sport participation has not suffered at the expense of providing participation opportunities for women—there were 16,242 more male athletes in 1991-92 than there were in 1981-82. For every two female participation slots created in this 10 year period, 1.5 male participation slots were also added. (NCAA, 1993).

—The NCAA Gender Equity Study released on March 11, 1992, revealed significant discrepancies in athletic opportunities at the institutional level:

Division	Males	Percent of males	Females	Percent of females
I	250	69	112	31
II	167	68	79	32
III	215	67	116	35

—Female collegiate athletes are receiving less than 24 percent of the athletics operating dollar and less than 18 percent of the athletics recruiting dollar (NCAA Gender Equity Study, 1992.)

—Female athletes are receiving less than 33 percent of the college athletic scholarship dollar. Average Division I scholarship expenditures:

Division	Average annual athletic scholarship dollars to males	Average annual athletic scholarship dollars to females
I	$849,130	$372,800
II	319,543	148,966

Male college athletes receive approximately $179 million more per year in athletic scholarship grants than their female counterparts (NCAA Gender Equity Study, 1992.)

—In Division IA institutions, women's programs received only 18 percent of the total budget (Raiborn, 1990.)

—The proportion of African-American athletes in women's sports programs is significantly less than in men's sports programs, primarily because of the effect of the large number of black athletes in football.

—In 1972, 90 percent of all collegiate women's athletics programs were governed by women administrators; today that proportion is 16.8 percent (Acosta and Carpenter, 1992.)

—Among the 107 Division IA institutions in the NCAA in 1992-93, institutions with the most competitive athletics programs and highest administrative salaries, only two woman currently head a merged department of men's and women's athletics. In Division IAA, three of 88 member institutions have women athletic directors and in Division IAAA (programs without football), three of 103 member institutions have women athletics directors (NCAA, 1993).

—In 28 percent of our Nation's athletics programs, there are no women athletics administrators (athletic directors, associate directors or assistant directors) even though in over 300 of those schools there are at least three athletics administrator positions (Acosta and Carpenter, 1992).

—Women have a better chance of becoming president of an NCAA institution than athletics director (Acosta and Carpenter, 1992).

Division	Female athletic director	Female president
I	11	15
II	23	27
III	65	69
Total	99	111

—There are only nine women among the 105 athletics conference commissioners in the Nation—four of these women serve as head of women's-sports-only conferences. Five hold a commissioner's position in a conference governing both men's and women's sports but none serve as head of a Division IA conference (two are at IAA conferences and three are at Division III conferences).

—The NCAA has failed to provide strong leadership for its member institutions with regard to Title IX compliance. Only 9 percent of the faculty representatives at the NCAA Convention are women (Lovett and Lowry, 1989). Only 23.4 percent of all delegates to the 1992 NCAA Convention were women (NCAA, 1992.) Historically, the NCAA has argued against the inclusion of athletics in the Title IX regulations.

—48 percent of all women's teams are coached by women (Acosta and Carpenter, 1992) but less than 1 percent of all men's teams are coached by women—employment opportunities for female coaches of men's teams are almost non-existent.

—African-American women coaches, administrators, officials or athletics support personnel are virtually non-existent.

—About 5,952 jobs existed in 1992 for head coaches of women's teams. In the last 10 years, the number of head coaching jobs for women's teams has increased by 812. Women hold only 181 more coaching jobs than they held 10 years ago while men hold 631 more as coaches of women's teams (Acosta and Carpenter, 1992.)

—Less than a third of all the committee positions in the NCAA are held by women; and that percentage drops to 20 percent among the NCAA's most powerful committees. These numbers reflect minimum representation limits established by the NCAA when they opened their doors to women sports in 1981—there has not been a significant increase since women were let in (Lovett and Lowry, 1989).

—Equal opportunity employment laws are virtually ignored in the hiring process experienced by female candidates for coaching and administrative positions. Women hear, "If you are young, you are going to have childbearing problems; if you are a parent, there is no way you can handle the time and recruiting demands of this job; if you do not have children, you are homosexual; and if you get to forty, you are too old because you are going to have all those hot flashes and everything" (Delano, 1988). The employment process in athletics department is in the dark ages—no, worse than that, it's the age of the cave man.

All of these facts are not surprising. Over the last 12 years, enforcement of Title IX and other civil rights legislation has been non-existent. In short, despite the requirements of the law, equal opportunity in sport for women and racial minorities is still a long way off.

RESPONSES TO SUBCOMMITTEE QUESTIONS BY DONNA A. LOPIANO

Question: Would the implementation of Title IX regulations automatically mean cuts in football programs? Is that bad?

Answer: Title IX compliance will not kill football. Yet, college football coaches and athletics directors are asking the public to choose between gender equity and football. We should never be asked to choose between our sons and our daughters—yet we are. A simple analogy is helpful. You are a parent who has a son and a daughter. For many years, you have given your son, on the occasions of his birthday and Christmas, baseballs, gloves, footballs, hockey sticks and other sports equipment. His room is full of sports implements. One day, your daughter comes to you complaining that her brother won't let her borrow his glove so she can have a catch with her girlfriends. Would you tell her to go out and work so she can buy her own glove or would you explain to your son how important it is to share? Would you change your commitment to the importance of sharing and treating your children equally if your son advanced the argument that his sister would destroy, lose or in some other way damage his glove? In other words, we are hearing the arguments of boys or men who think that sports is their protected domain and values like sharing and equal opportunity do not apply to them.

Sports is too important to the physical, psychological and sociological well-being of our children to have it only benefit our sons:

—High school girls who play sports are 80 percent less likely to be involved in an unwanted pregnancy; 92 percent less likely to be involved with drugs and three times more likely to graduate from high school (Institute for Athletics and Education, 1990.)

—As little as 2 hours of exercise a week reduces a teenage girls risk of breast cancer, a disease that will afflict one out of every eight American women.

—Are we prepared to have our daughters suffer the results of generations of women who were not permitted to play sports or encouraged to participate in weight-bearing exercises that are necessary to laying down bone mass—our mothers and grandmothers. One out of every two women over the age of 60 are suffering from osteoporosis (National Osteoporosis Foundation, 1992).

—Girls and women who play sports have higher levels of self esteem and lower levels of depression (Ms. Foundation, 1991).

—Sport is where boys have traditionally learned about teamwork, goal-setting and the pursuit of excellence in performance—critical skills necessary for success in the workplace. In an economic environment where the quality of our children's lives will be dependent on two-income families, are we willing to have our daughters less prepared for the highly competitive workplace than our sons?

We cannot choose between our sons and our daughters with regard to access to and participation in such opportunities. This is what Title IX of the 1972 Education Amendments Act is all about.

Compliance with Title IX will not affect the success of intercollegiate football programs. Football will always be a popular and important ritual on our college campuses and be of interest to television and other electronic and print media. In my opinion however, because 43 percent of all the moneys spent on athletics in some schools are spent on football and basketball, the standard of living of many football programs will have to be reduced in order to redistribute funds for the cause of gender equity. Such reductions need not result in lowering participation opportunities for football players or scholarship support for athletes in financial need. Neither will such reductions result in the demise of football as many football coaches and athletics director would ask us to believe.

If we all agree that participation opportunities and direct educational benefits to student-athletes are the most important reasons for maintaining athletic programs in higher education, then other cost-saving and revenue-producing measures will be pursued prior to cutting teams or reducing squad sizes:

(a) Increase revenues of men's minor sports and women's sports at the institutional and conference level. The women's sports market is virtually untapped and must be developed. According to Raiborn's study of Revenues and Expenses in Intercollegiate Athletics (NCAA, 1990), there were at least 13 Division IA institutions in 1989 that had women's programs which generated $1.3 million or more and twice that number that generated $400,000 or more. There is also evidence to indicate that the spectator and donor market for women's sports is a new market—different from that supporting men's athletics. Therefore, developing that new market will not put women's sports in a competitive position against an institution's own men's program.

(b) Encourage conference members to adopt the same sports when expanding women's programs in order to realize the financial savings of competition within a reasonable geographic proximity.

(c) Establish conference-level presidential review requirements for the control of athletic administration staffing and the construction and renovation of athletics facilities. Such control is impossible at the national level and difficult at the institutional level where arguments include matching the commitments of traditional opponents without having any control over the decisions of those opponents.

(d) Create inducements for gender equity such as a rule that would prohibit the allocation of an automatic national championship berth to any institution that has not achieved gender equity or to any conference without a conference-level presidential review requirement for the control of athletics expenditures.

(e) Reduce institutional expenditures that do not directly and positively effect the participation experience of student-athletes such as:

—downsize athletics administrative staffs

—eliminate "status-related" expenses such as plush locker rooms and coaches offices and conference rooms

—eliminate cellular phones

—place a moratorium on construction of new athletics-only facilities including plush study/computer centers accessible only to student-athletes.

—continue efforts to restrict off-campus recruiting activities
—eliminate housing athletics teams in hotels prior to home contests
—eliminate airplane travel over short distances
—restrict team travel distances during regular season play

f. Legislate within the NCAA reductions in the amount of non-need-based athletics aid that institutions may award in each sport with the goals (1) maintaining competitive distinctions between all divisions, (2) maintain the current number of student-athletes who may receive such aid and (3) not reducing the aid levels of athletes who qualify for aid based on need. Such reductions should be accompanied by changing all sports to "equivalency" rather than "head-count" sports with limits placed on the total number of student-athletes who may receive any amount of aid.

Note: For example, football is currently permitted to have 85 grants awarded to no more than 85 student-athletes. This is commonly referred to as a "head-count" system where every athlete on aid counts as one grant whether they receive $1 or a full scholarship. Under an equivalency system, football might be limited to 70 full scholarships that could be split up and awarded as full or partial scholarships to no more than 85 players. In this example, a savings of 15 full scholarships (approximately $120,000) would fully fund the addition of another women's sport.

g. Revise the NCAA revenue distribution formula to provide one unit for every men's sport over the minimum requirement and one and one-half units for every women's sport over the minimum requirement—or similar more advantageous weighting for women's sports.

Note: The NCAA revenue distribution is derived from the NCAA's lucrative television rights fees for the men's basketball Final Four and national championship broadcasts. These moneys are currently distributed to all NCAA Division I institutions based on (1) a fixed amount for academic program support, (2) a graduated schedule based on the total number of men's and women's sports sponsored by a member institutions, (3) a graduated schedule based on the total number of scholarships awarded to male and female athletes by a member institution and (4) success of the institution's conference institutions in the NCAA Division I men's basketball championship.

h. Revise the NCAA revenue distribution formula to provide more advantageous weighting for women's scholarships than men's scholarships.

See above note.

i. Increase NCAA scholarship limits for women's sports in order to permit institutions to meet their compliance obligations for scholarships without adding excessive numbers of new women's sports.

There will be some institutions that will choose to cut participation opportunities for men as one among many actions taken to achieve gender equity. Many institutions will choose to cut a men's sport rather than reduce the "standard of living" of men's football or basketball and will blame the need on gender equity rather than excessive and unnecessary men's sport expenditures.

With regard to reducing the cost of men's sports and men's football in particular in order to support increased opportunities for women, there is no question in my mind that such actions will be healthy for all athletics programs. Athletics, especially Division I and II athletics programs need to be downsized. They are spending beyond their means in a fruitless quest for the golden ring of television exposure and bowl bids. Contrary to popular myth, football is either not offered as a sport or does not pay for itself at 91 percent of all NCAA member institutions (Raiborn, 1990):

Division	Institutions with deficit football programs (In percent)	Average annual deficit
IA	45	$638,000
IAA	94	580,718
II	97	247,000
III	99	69,000

While football generates significant revenues at many schools, few teams truly generate the net revenue to support the rest of the school's sport programs. The situation is no different for the sport of men's basketball (Raiborn, 1990):

Division	Institutions with deficit basketball programs (In percent)	Average annual deficit
IA	34	$238,000
IAA	74	199,000
IAAA	75	223,000
II	90	97,000
III	97	29,000

Question: The Executive Director of the NCAA testified at the April 9, 1992 Title IX hearing that gender equity would be placed on the front burner. In your opinion, has this happened? Is further Federal intervention needed to make gender equity a reality?

Answer: The NCAA has appointed a Gender Equity Task Force, on which I am a consulting member. The recommendations of this committee are due to be presented to the January 1994 NCAA Convention. The teapot is on the front burner, the pilot light is lit, but this group has barely reached the level of "simmer". Thus far, the task force is dancing around the football issue in response to a nearly apoplectic football lobby. Those on the task force representing football interests are seemig to do three things: (1) prevent any action that would result in any reduction of football participation, scholarships or expenditures, (2) exclude football from counting in the determination of gender equity as is required under Title IX and (3) persuade the committee to conclude that women aren't as interested in athletic opportunities as men as a defense of the current low participation numbers in NCAA member institutions.

The issue of interest of female athletes is a critical one. Opportunity drives interest and ability. Title IX purpose includes redressing historic discrimination. There is no lack of interest and ability on the part of males or females to participate in the finite number of opportunities available at the collegiate level. Currently, over 3.9 million males and 1.9 million female athletes participate at the high school level (in a system that itself does not yet provide full equal opportunity for girls) and there are many more girls participating in Olympic sports traditionally not offered in the high school athletic program. Currently, there are only 186,045 male and 96,467 female athletes on NCAA teams (NCAA, 1993.)

In fact, it can be argued that institutions are "intentionally" discriminating against female athletes when they conduct sex separate sport programs and fail to offer the same participation opportunities and support as they do male athletes. Whenever an institution hires a coach, offers scholarship incentives or gives the coach money to recruit incoming students, I cannot imagine a scenario where the coach comes back to the institution saying that he or she could not find anyone with the interest or ability to play on the team.

Institutions with football teams argue that they cannot possibly offer enough women's teams to offset the high participation numbers of football and that they cannot identify enough sports in which women are interested. Washington State University, a Division IA program with football, under court order to have its athlete population reflect the proportion of males and females in its student body which is 45 percent female and 55 percent males has already achieved a female athlete population of 44 percent. Every institution can achieve compliance with Title IX.

Yet, the lack of interest argument is still being advanced based on the fact that the number of "walk-ons" (non-recruited athletes who come from the general student body over and above the student-athletes acquired through recruiting and scholarship incentives) are higher for males than for females—especially in the sport of football which can accommodate 100 to 150 players and 60–75 walk-ons. Even if institutions discounted such walk-ons as truly reflecting a lack of interest on the part of females, they would still be required to offer three or four more women's teams or 60 to 75 more participation opportunities for women than they are currently offering.

However, let us assume that walk-on populations are derived from the campus student population rather than the recruited incoming freshman population. Are males more interested than females in sport? Institutions that wish to focus on this on-campus population point to different rates of participation in men's and women's recreational sport programs as being reflective of student interest and identify greater male participation numbers. Yet, upon closer examination, the sport and ac-

tivity offerings of these recreational sport programs have traditionally reflected male sport interests rather than female sport interests. Institutions like East Carolina University that offer recreational programs based on a survey of interests of their male and female students show roughly equal participation rates.

Opportunity drives interest. "If you build it, they will come."

At many institutions, it is easy to see that the lack of female participants is a function of (1) failure to offer a sufficient number of sports and (2) lack of institutional commitment to existing women's programs. If, in the name of gradual development, a part-time, underpaid and unqualified coach is assigned to a new or existing women's sport program, the interest of prospective athletes may be deterred. Compared to the better paid or more competent coach of the men's team, efforts to recruit participants or time spent with student-athletes may be minimal. Often, a men's team has a recruiting budget while the women's team in that same sport has none and is dependent upon the interest of currently enrolled students. Less than 18 percent of all recruiting dollars go to women's sports (NCAA Gender Equity Study, 1992)

Although I am hopeful that the NCAA will eventually confront the gender equity issue in a serious way, it is still too early to determine whether they will. The Gender Equity Task Force is in place and working at a snail's pace. An even more important committee, the NCAA Special Committee to Review Financial Conditions in Intercollegiate Athletics is also at work. This committee has the power to recommend sweeping changes in the cost of intercollegiate athletics through changes in scholarship numbers and amounts, further personnel reductions and other significant cost-saving measures. It is much too early to predict whether this group will have the will to propose significant financial reforms that will allow NCAA institutions to save enough money to afford gender equity over the short term.

In response to the question of whether further Federal intervention is necessary, the answer is a very strong affirmative. The following actions would have a beneficial effect on Title IX compliance:

1. Better Public Education Efforts. The Office of Civil Rights must increase its efforts to educate the public on Title IX requirements in athletics. Parents and their daughters are receiving misinformation whenever they confront athletic directors at the high school or college level regarding Title IX requirements. They are told that women's sports are not receiving the same support as men's sports because women's sports do not make money. They are told that football is excluded from counting under Title IX because there is no sport like football for women. They are told that the institution simply does not have the money to increase the numbers of women's sports. Athletic directors are defending a sex discriminatory program and are not about to give good information to parents and female athletes.

It would be helpful for OCR to mandate that a summary of Title IX requirements and common questions and answers be distributed to (1) all male and female student-athletes, (2) club sport participants and (3) in response to any inquiry as to the offering of any sport not currently offered. This educational effort should be annually conducted by each institution's Title IX Compliance Coordinator (a position required by the regulations.)

Better yet, there should be a legislative initiative to include full disclosure of an institution's Title IX gender equity progress in the Student Right To Know Act. The Act should require disclosure of athletic participation rates by gender, the total athletic scholarship dollars by gender and the proportion of operating and recruiting funds spent by gender. If the parents know how institutions are treating our daughters, I am confident that sufficient public pressure will be generated to increase institutional commitments to Title IX compliance.

2. Better Education of OCR Investigators. There is nothing wrong with the Title IX regulations. We do not need further Title IX legislation. The government simply needs to enforce the law as it is currently written.

I believe it is important to keep Title IX enforcement under the Department of Education. Congress needs to keep sending the clear message that we are dealing with educational sport and athletic programs are clearly a part of the educational process. If this is not the case, they should not be receiving the benefits of tax-exempt status. It has been suggested that enforcement of Title IX be moved from the Department of Education to the Department of Justice. I disagree. The Department of Justice is not set up to do the non-judicial program review elements of Title IX that can be helpful to institutions who do not want to be in a confrontational posture with the Federal Government. The Department of Education needs to do a better job of monitoring compliance agreements and should pass on to Justice those cases where institutions are not implementing those agreements or where institu-

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tions refuse to comply. The Justice Department now has the power to enforce Title IX but the Department of Education has not referred any cases to them.

It has also been suggested that Title IX be amended to codify damages. I don't believe this is necessary. The Supreme Court has already ruled that damages are permissible. The courts can deal with the damages issue without further lawmaking. Parents who have filed lawsuits to date have not been interested in damages. They simply want their daughters to have an opportunity to play.

It is important to recognize that the Reagan administration attempted to dismantle Title IX's application to athletics and provided almost no funding for the active enforcement of civil rights laws. The Bush administration made, at best, a halfhearted effort to enforce Title IX. The department has completed investigations and still not issued letters of finding or pursued cursory investigations which have not even touched the surface of uncovering inequalities in treatment. OCR investigations have varied wildly with regard to their consistency in identical fact circumstances and in many cases have identified inequalities and found no violations.

For instance, the OCR investigator's manual now requires that the discrimination make women athletes second class citizens in order for differences to qualify as a Title IX violation. The investigators are often asked to make decisions on what is and what is not "enough" discrimination to count. A recent letter of finding from the Dallas office (a complaint involving a Denham Springs, Louisiana high school) found that two boys teams (football and boys basketball) had their own dedicated locker rooms. The girls basketball team had exclusive use of a physical education locker room during practice and competition only and all other teams (boys and girls) shared locker rooms with physical education classes. The investigator found no violation despite the fact that two boys teams had their own locker rooms and no girls teams did. Investigators are being asked if inequalities are significant or not. Inequality is inequality.

OCR must do a better job training its investigators in athletics program review.

3. Stricter Enforcement by OCR. The public is simply not pursuing Title IX complaints in athletics because there is no trust that OCR is serious about enforcing the law. Parents and their daughters would rather turn to the courts than place their daughters concerns in the hands of OCR. The fact that parents and their daughters are not well educated on the requirements of the law is also contributing to the absence of complaints and lawsuits. It will be very difficult for OCR to reverse this legacy of distrust and nonenforcement.

OCR needs more financial support so it has the time and manpower to do its job and needs to more effectively monitor compliance agreements.

The Women's Sports Foundation receives 200 calls per year on Title IX concerns in high school and college athletics. Without exception, those who call have minimal understanding of the law. Few are eager to pursue remedy for fear of retribution against their daughters or in the case of coaches of women's teams, fear of loss of employment. The majority of cases that have gone to court in the past 2 years involve women's teams that have been cut from the program. The plaintiffs have suffered the worst retribution possible—not being allowed to play. Parents, at great financial and personal costs, have pursued legal remedies and won their cases in the lower courts. Now they are facing the severe burden of greater financial costs in the appeals process. These parents are no match for universities with very deep pockets.

The Federal Government should assume the burden for enforcement of the law.

Question: According to another witness, the university athletic community will not meaningfully address sex discrimination unless it is forced to do so because special interests want to maintain intercollegiate athletics as "the old boys club." What is your reaction to this statement?

A: I agree. My experience as an athletics administrator for the past 20 years leads me to the same conclusion. There is absolutely no commitment to gender equity absent the condition that the current men's athletics system be retained in its entirety. For every two new participation slots created for women college athletes in the last 10 years, 1.5 have been created for men. Any sensible person would think that, at the very least, men's sports growth would be put on hold until gender equity was achieved. It simply has not happened. There is an absence of will to do what is right and what is required by law on the part of college presidents who fear all-powerful football coaches and football-supporting alumni.

There is a real need for Federal intervention to help these college presidents. They need to be put in a position where they can tell their alumni that it wasn't their choice to comply with Title IX. Rather, the courts or the Federal Government have ordered them to so or face the loss of significant Federal funds. It is disheartening and disappointing to realize that "doing what is right" is not as important as making football fanatics happy.

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One of the most difficult equity issues in the provision of equal opportunity in women's athletics programs involves the provision of quality coaches who are compensated in the same manner as their counterparts coaching men's sports. An examination of the salaries of coaches in collegiate athletics reveals that, generally, male and female coaches of women's teams are paid less than coaches of men's teams who are predominantly male and female coaches are paid less than male coaches who are coaching the same sport. These salary inequities exist even though research shows that female coaches are as qualified and experienced as their male counterparts.

There are two different pools of coaching candidates in the marketplace: an all-male coaches pool for revenue-producing men's sports and a mixed pool of men and women for men's nonrevenue-producing and women's sports. The marketplace value of coaches in the former pool is two to five times higher than the marketplace value of coaches in the latter pool. However, the existence of this sex-segregated marketplace cannot be used to justify salary discrimination for women coaches. In fact, with the recent development of women's basketball as a significant revenue-producing sport, it will be difficult to justify not hiring coaches of women's teams from the revenue-producing sport pool or not paying female coaches of women's teams salaries equal to those of coaches in that pool.

Equally distressing as the current salary gap between coaches of men's and women's teams is the steady diminution in the number of women coaching men's and women's sports and the number of women in professional leadership positions. Only 48.3 percent of the coaches of women's teams are female (Acosta and Carpenter, 1992). In 1972 more than 90 percent of women's teams were coached by females (Acosta and Carpenter, 1992). A sample of what has happened in the top six participation sports for women at the college level is reflected in following table:

Percent of Women Coaching Women's Sports:

Sport	1978 (in percent)	1992 (in percent)
Basketball	79.4	63.5
Cross Country	35.2	20.1
Softball	83.5	63.7
Tennis	72.9	48.0
Track and Field	52.0	20.4
Volleyball	86.6	78.7

Source: Acosta and Carpenter

Employment discrimination in athletics has also taken on more subtle forms. When searching for coaches of women's teams, the administrator may only look at formal written applications and hire entry level employees. When looking for coaches of a men's team, the athletic director will solicit applicants or hire good coaches away from other programs. Worse yet, it is not unusual, when checking on the credentials or references of female coaching candidates, to hear concerns that the applicant may have homosexual inclinations or references to her physical attractiveness as being more masculine than feminine. In contrast, the reference checker seldom hears anything about the personal lives or appearance of male applicants. It is not unusual for female candidates to be asked whether they are planning to have children, despite prohibitions against such queries. In practice, the double standard is obvious and difficult to confront. Homophobia is an equal opportunity employment issue that is a lot like communism; it's talked about behind the backs of applicants and almost impossible to combat. Likewise, descriptions of a candidate as a "feminist" are often used to imply that a job candidate is a "troublemaker."

The message is clear. Higher education officials must monitor carefully employment and program practices in intercollegiate athletics if women's sports are to grow into equal opportunity athletics programs, especially in merged administrative units.

On most college campuses, athletics administrators, like their academic counterparts, will offer significant resistance to cost-cutting requests. Sex discriminatory practices may be entrenched and the majority of existing funds already committed to men's programs. Efforts to cut fat in intercollegiate athletics may require the assignment of an objective member of an institution's central administration to analyze expenditures as they relate to competitive success. While this suggestion sounds simple, the fact of the matter is that intercollegiate athletics budgets are complicated and convoluted in nature (Atwell, Grimes, & Lopiano, 1980). These programs

have, for the most part, not been developed by professional managers. Thus, cost/benefit analyses are almost non-existent. When 40,000 football programs are produced, removing several four-color pages may provide cost savings equivalent to a full athletics scholarship without any negative impact on the success of the football team.

If you look at an athletics budget, most of the expenditures on men's and women's athletics cannot be separated out on the basis of sex, especially in the area of support services such as athletic training, training tables, sports information, marketing and promotion, etc. Most of the perquisites given to coaches don't even appear (such as free cars, country club membership, etc.).

Athletic program management and accounting practices must be carefully monitored. Administrators should demand a cost-benefit relationship for any proposed expense related to "keeping up with the Joneses" in order to maintain the competitive status of a program. Higher education must conservatively approach proposals to expand athletics facilities during the next 5 to 10 years. Commitments to large debt service in light of predictions of rising costs and continued athletics program deficits may be fiscally irresponsible. Many athletics programs are already carrying debt service commitments that are disproportionate to their total budgets. While major investments in the people who produce quality athletic programs (coaches) need to be maintained, the productivity of clerical and other support personnel involved in large ticket offices, concessions, and game management operations should be carefully examined. Transportation and travel arrangements should be evaluated for cost effective practices. The number of days teams are spending on the road related to the number of days of competition should be examined and the entire travel package for all sports team should be put out on bid to a travel agent.

Your interest and actions to encourage Federal intervention in the enforcement of Title IX are necessary. We cannot, as a Nation tolerate discriminatory treatment on the basis of gender. We must prepare our daughters as well as we prepare our sons. We must give them the same educational benefits. If sport belongs in higher education, intercollegiate athletics must conform to the requirements of Title IX of the 1972 Education Amendments Act.

Thank you for this opportunity to present my views.

Mrs. COLLINS. Well, among this panel you seem to have the minority view. Why do you think that is?

Ms. LOPIANO. It is probably because I am no longer an athletic director and there's nobody that can yell at me.

Mrs. COLLINS. Mr. Teaff, yesterday in the U.S.A. Today there was quite a little discussion from coaches: "Football alone won't pay for gender equity," and you are quoted in here as saying—well, let me just read to you a little of this. I take it that you were asked what you thought about football and all of this and about gender equity, and they quote you as saying, "We're not interested, and I don't mean Congress. I don't think Congress meant this when they went into title IX in destroying something to build up something else and discriminating against males to give more opportunities to females." What in the world did you mean by that?

Mr. TEAFF. Well, of course as you know from experience, many times what is said is taken as a portion. This was a forum in Kansas City. Our Gender Equity Committee members were there. There were many, many questions prior to our going before the media concerning gender equity, concerning title IX, and a part of that discussion was to try to explain to the media that there is a fear out there but there is no reason for that fear, that that is not the intent of Congress, to destroy something to make something else happen.

That has been a long-range standing of our great Nation going back to some of the first quotes from Abraham Lincoln, you don't tear down something to build something else up, and that was a part of my statements concerning the fact that college football must make a contribution to gender equity and title IX, and by

doing it in ways and means not to destroy the game nor to discriminate against any male athlete; that was not the intent; that would not be your intent, to discriminate against anyone.

What we want to try to do is to try to make fair equity for all, and so I thank you for asking that question.

Mrs. COLLINS. What have you done in the last 10 years to try to make fair equity for all?

Mr. TEAFF. Well, first of all, as a football coach, I explained in my opening statement that most of us in college football, particularly Division 1A, are consumed with keeping our jobs, winning, doing the right things, adhering to the rules, and so forth.

Mrs. COLLINS. Now you say keeping your jobs. You mean your jobs as coaches?

Mr. TEAFF. Yes, Ma'am, coach. Yes, Ma'am.

Mrs. COLLINS. Oh, so your main focus is not in education or in training young athletes to go on or anything like that, just in keeping your own individual jobs?

Mr. TEAFF. Well, no, Ma'am.

Mrs. COLLINS. So you had better explain that to me.

Mr. TEAFF. OK. The total picture has to do with, the football coach is responsible for the education of each youngster that he is working with, and I said in my opening statement in our own particular philosophy it has always been education first—we lead the Sawhorse Conference in graduation rates—and then second, of course, we are now responsible for the moral conduct both on and off the football field with our student athletes, we are responsible for a good percentage of the budget, we have to provide funds for a lot of different areas, particularly at my university, Baylor University.

Mrs. COLLINS. Are these budgets that you mentioned just for the football players, or for the whole school, or what?

Mr. TEAFF. I didn't understand your question.

Mrs. COLLINS. You said you have responsibility for budgets.

Mr. TEAFF. Yes, Ma'am.

Mrs. COLLINS. For funding budgets.

Mr. TEAFF. Sure, for our Athletic Department, yes.

Mrs. COLLINS. That is for the Athletic Department. For your football players, or for the whole Athletic Department?

Mr. TEAFF. Well, you are primarily responsible to make sure that you bring in enough money to pay for your own program. That is the prime responsibility. In our university, we will make between half a million and a million above, and that goes to the other programs. We do not put that any place for football.

Mrs. COLLINS. Are some of those other programs in women's athletics?

Mr. TEAFF. Of course. Yes, Ma'am.

Mrs. COLLINS. What percentage of those, do you know?

Mr. TEAFF. The percentage—it all goes into the total fund at Baylor University.

One of the things I would like to follow up on is my statement that we are concerned about keeping our jobs, and that is why there is not a lot of knowledge out there right now, and one of the, I think, positions that I hold being on this committee as a former football coach and now the athletic director at Baylor University, I

have come to a very strong knowledge of what needs to be done, and now I'm trying to figure out ways for my own university—and I think some of these ideas nationally—as to how we can implement the goals.

You know, it is not like the snap of a finger to get it done. At my university, we have to find ways and means. So what I have done just since last May is set goals and then strived to reach those in terms of promotion, women's fund raising, and all of this area has to tie in with football. You are not going to come to compliance with title IX by just taking x amount from football; there have to be other ways and means to do this, and I think most people agree. But thank you for asking that question.

Mrs. COLLINS. Do you agree with that, Ms. Lopiano?

Ms. LOPIANO. I think there is an absence of will at the institutional level. There is an absence of willingness to make choices that will lead to gender equity. I can speak from 15 years at the University of Texas. It is more important to renovate the football locker room or renovate the men's basketball locker room than it is to add another women's team.

If you look at the budget increases over the last 10 years in intercollegiate athletics, 80 percent of all of those funds have gone back into men's athletics, not women's athletics. When you look at the increase in participation numbers, men's athletic participation over the last 10 years has increased by over 16,000 participation slots. For every two new participation opportunities added for women, 1.5 have been added for men.

You don't do those kinds of things or make those kinds of choices when you have a 70/30 percent participation difference in intercollegiate athletics. You don't make choices like spending $120,000 changing the wood in a football coach's office from oak to mahogany. You don't spend $60,000 on a conference room and make sure that there are inlaid longhorns on the conference table. We are not making good choices at the institutional level, and it is because we are not committed to achieving gender equity. We don't touch the football lobby. And I don't see, in the absence of Federal intervention, our making a real dent or change in those choices.

Mrs. COLLINS. Let me get back to you for just 1 or 2 minutes, please, Mr. Teaff. I have two more things I want to talk about before we go on to other members. I have here a list that may or may not be accurate, and if it is not accurate, I want you to tell me and then provide me with accurate information. The list shows that at Baylor there are 45.8 percent and 54.2 percent women.

Mr. TEAFF. I think that is pretty close to accurate.

Mrs. COLLINS. All right. And of your athletes, there are 76.1 percent men and 23.9 percent women.

Mr. TEAFF. Yes, I think that is probably a pretty accurate number nationwide overall because of the numbers that you have in football and participation. For instance, at Baylor University, because of the walk-on situation, we have about 40 walk-ons each year, which lifts our participation in the numbers as well. Football has large numbers because of two-platoon football.

I know the bell has rung, but let me say this, that if there's going to be more cuts in scholarships, which there could well be, there needs to be a change, probably by our Presidents' Commis-

sion, for legislation to move away from the type of game we play now which requires more participation—it is two-platoon football—and go back to the one-platoon.

When I went to Baylor University, we had just come out of one-platoon, and at that time they were giving, I think, approximately 150 scholarships in football, all schools.

Mrs. COLLINS. I want to get back to that scholarship before you go on because in scholarships, according to the information we have, almost $1,7,000,000 went for men and only $400,000 went for women in scholarships; that is 81 percent for men and 19 percent for women.

Mr. TEAFF. Yes, I think that is probably accurate because of the number. We just moved from 105 scholarships. We are going down—and when I say we, the NCAA—to a total of 85 scholarships. At Baylor University our total scholarship is around $12,000, so there is a lot of money spent.

Mrs. COLLINS. But you have spent an awful lot of money. The operating budget for men is almost $1 million now, $962,000—that is 83 percent—and only roughly $194,000 for women, 16.8 percent—a great disparity.

Mr. TEAFF. I think that is all accurate. And let me say this——

Mrs. COLLINS. And the recruiting budget isn't too much better, $165,000, 88 percent, for men; $20,000 for women.

Mr. TEAFF. Yes, Ma'am. I cannot be responsible for what has been done in the past. I became the athletic director last May. I would talk to you for an hour about what we have done at Baylor University to try to rectify these things. I can't be responsible for that. I have been since May, and you can rest assured that I am doing everything in my power to move our university toward compliance because I think it is important.

Mrs. COLLINS. Dr. Hearn, I want to ask you some of the same questions. Wake Forest, 53.7 percent men, roughly; 46 percent women. Is that about right?

Mr. HEARN. Close.

Mrs. COLLINS. Athletes: 73 percent men, 27 percent women.

Mr. HEARN. That is correct.

Mrs. COLLINS. Scholarships: $1,900,000 for men; $363,000 for women; 84 percent for men, 15 percent for women. Is that right?

Mr. HEARN. The figure this year is about 79 percent men, 21 percent women.

Mrs. COLLINS. Rising.

Mr. HEARN. Rising.

Mrs. COLLINS. Getting more equitable.

Mr. HEARN. We have added—with scholarship field hockey this year, we are adding women's soccer, we are adding up to the full complement allowed by the NCAA and all of the other sports.

Since 3 years ago, the first cost containment effort involved a 10 percent reduction of men's athletic grants, generally speaking, across the board. The women's programs were not cut, and most institutions that I know about, including Wake Forest, are using those cuts as they accumulate to support women's programs. And I really believe, Madam Chairwoman, that there is going to be continued and steady progress.

It is not just pressure from Congress, though that is important, there is pressure from State legislatures across the country, there is the certification effort in the NCAA, and there is the report of Phyllis's task force. So a great many things are going on. I don't hear people saying, "We're going to try to duck and dodge." I hear people saying, "We're going to try to do the right thing."

Mrs. COLLINS. Well, I'm glad to hear that, but I do want to ask you a couple more questions just for more or less verification, and that is, on operating budget, roughly $665,000 for men and $168,000 for women—roughly right?

Mr. HEARN. Yes—$1.2 million for women, including scholarships.

Mrs. COLLINS. Also, on your recruiting budget—can you give me some figures on your recruiting budget?

Mr. HEARN. I don't have those figures in my head.

Mrs. COLLINS. Well, we have here $375,000, or 92 percent, for men and $32,000 for women.

Mr. HEARN. There is no doubt—perhaps I should say what Wake Forest did under Ms. Dailey's leadership a year ago is to look at what we needed to do, and we have been steadily making changes, particularly in things that don't cost much money—putting equality in scheduling opportunities and practice times, spending money on locker rooms and equipment—and all of these matters that you mentioned are things that are going to be addressed, and I think they will be matters that Phyllis's task force will report on as well.

Mrs. COLLINS. Thank you.

Mr. Stearns.

Mr. STEARNS. Thank you, Madam Chairwoman.

Mrs. COLLINS. We are going to give you 10 minutes because I overused my time.

Mr. STEARNS. You are kind. Being my first opportunity here, I appreciate your allowing us some extra time.

And I think to all the folks that are witnesses, if there is information that has been asked of you that you don't feel comfortable about, that you would like to elaborate on, feel free to submit for the record.

Mrs. COLLINS. In a timely fashion—you know, within 5 working days, so that we can close our records.

Mr. STEARNS. OK, because I know there are a lot of questions being asked here about statistics that you might not know on the spot.

Let me just ask a question that perhaps all the witnesses could answer. This touches on what Dr. Thomas Hearn talked about. There is a recession; it has compounded the problem for higher education; the question is—they have limited funds to start with—given these limited dollars, is there anything that could be done without the Federal Government getting involved to move in a more equitable fashion so that the funds can be voluntarily done by the universities and schools so that the inequalities between the funding for men's and women's athletics could be addressed immediately? Do you feel that that is possible?

Let's start with you, Dr. Hearn.

Mr. HEARN. I think it's not only possible, it's inevitable. I want to emphasize again, the public perception that athletic departments are awash in money and it's only a question of how it gets

spent is a serious misperception, and the things that we used to do to cover the shortfalls in collegiate budgets, whether they be a better television contract or a Bowl appearance or raising ticket prices or sticking some sort of activity fee on students, you can't do those things when your institution's library budget hasn't had an increase in 5 years or when you are terminating academic programs. I mean the things that we used to be able to do we can't do.

So we have got to shrink this enterprise for reasons that have really nothing to do specifically with gender equity, but we have got, at the same time, to move the resources in athletics that we save to expand opportunities for women, and I believe that that process is inevitable, and if there is any silver lining to this awful financial circumstance that we are in, in higher education, then I believe it may be that we are going to be forced to look very hard at all of the things that we have been doing in athletics and determine which of them we can do without.

Mr. STEARNS. Ms. Howlett.

Ms. HOWLETT. The NCAA Financial Conditions Committee is attempting to look at areas where cuts can be made. You know, you start with where there are perceived excesses, and that is a Division 1 target.

What has concerned me the most is our Division 3 schools who are not profit makers, they are part of the educational program and are totally funded; there are no scholarships or anything of that sort, so they are already there, they are at the bare bones, and they are the ones I probably have the greatest concern for, because it is very, very difficult to find excesses there, and it is very difficult to try to provide leadership to them in terms of how to reallocate on a fair and equitable basis. I think that is going to be even more of a challenge than the Division 1 basis.

Mr. STEARNS. Mr. Teaff.

Mr. TEAFF. Well, from two perspectives, first from Baylor University: Every penny that we spend is now a deficit penny, and what we are trying to find is ways to create new funding, fund-raising specifically designed for our women's programs, promotion, and also marketing.

I go back to a committee meeting of my staff tomorrow that will deal strictly with combining, for the first time, the marketing of the men's programs with the women's programs. I don't know that that has been done anywhere else. But I perceive that this is the way to put the women's program in the marketing area right with the men's program.

From the standpoint of the coaches, one of the interesting aspects, since we have some education going now and that there is not a great concern, and my statement that you read that was in the paper, Madam Chairwoman, was the fact that I believe and the coaches now have come to the understanding that this is not the intent of title IX nor is it the intent of gender equity to destroy something because that is not the concept, and it then, I think, is very incumbent upon coaches to come up with ways that we can cut finances in the area of football so that that money can be reallocated to women's programs, and there is a strong committee working now, along with the cost-cutting committee, with the Presidents' Commission, that I think will come up with some

things that will help, but it is not the answer. There has to be promotion, there has to be fund-raising, there has to be innovative ways of doing things.

One final thing that I think has been very good and positive for our program is that when I took over last May, I recognized and began to understand the statistics that I was faced with financially, and the first thing I did was to begin to centralize all aspects of the athletic department. The video, for instance, that was bought and paid for by football, I moved to centralization so that all the sports, men and women, would have access to that equipment, be able to see highlight films and utilize it in a proper way. I did the same thing with the sports medicine program. We hired a young man as strength coach on the strength that he was very, very adapt in developing programs for women's athletics as well as men's athletics, and so that has been centralized.

The other thing is the concept of promotions and fund-raising. We are doing some unique things within our committee to come up with ways and means for other universities to come into compliance. We are going to compile what would actually end up being a book that other universities could utilize based on some things that other schools have done that will help them come into compliance.

Mr. STEARNS. Ms. Lopiano.

Ms. LOPIANO. The two largest expenditure areas in athletic program budgets are personnel and scholarships. You are not going to create any large savings or be able to redistribute resources unless you touch those two areas. I think there has to be a strong effort by the NCAA to reduce the numbers of scholarships or the amount of full grants, whatever that definition is, in order for there to be a substantial dent or benefit as a result of a cost-cutting measure.

I think in the area of personnel, especially in Division 1 institutions, there has to be a commitment to down-sizing middle management and down-sizing staff. Over the last 10 years, we have had tremendous increases not in the number of sports for men or women or number of participation opportunities but the number of people we are employing in athletics in management.

I think we also can see—I'll bet my bottom dollar that in most Division 1 institutions that there are from 2 to 5 full-time administrative positions that are coaches who were fired from their coaching jobs and who are kept on staff as facility managers, event managers, in some other capacity that they have very little skills for. You can't do this in tough economic times, you have got to take the hard road as opposed to taking it out of the hide of kids.

I think every institution can take some simple cost-cutting measures, such as eliminating status-related expenses such as plush locker rooms, coaches' offices or conference rooms, the use of cellular phones, which has gotten absolutely out of hand in colleges and universities, placing moratoriums on construction of new athletics-only facilities, including especially a trend in the last 2 or 3 years of building athletics academic and computer centers that are accessible only to student athletes and not to students at large. We can eliminate housing athletic teams in hotels prior to home contests, which is a common practice. We can eliminate airplane travel over short distances; it's OK for teams to travel on buses for 3 hours. We can restrict team travel distances during regular season play.

The NCAA can generate new revenue sources for institutions that are trying to do their best in terms of gender equity. The billion-dollar Final Four television moneys are currently distributed by the NCAA according to a revenue distribution formula that is based on the number of scholarships your school offers, the number of teams you sponsor, there is an academic portion of that, and then there is a performance portion of it. I think that that formula can be revised to provide more advantageous waiting for women's scholarships than men's scholarships, or more advantageous waiting for women's sports as opposed to men's sports, and provide the financial support and incentive to really get with it in terms of gender equity.

Mr. STEARNS. Dr. Hearn, you mentioned earlier the cultural side in terms of the perception of the public. I would like to ask you to go a little more into that in terms of, we have professional sports, and these sports are viewed every Saturday, and then the playoffs, then the run-offs, and then the championship and the world championship, and this is a cultural side of this aspect.

Is there a similar kind of elevation on the women's sports so that we would see that and get the perception in the public of the need for the allocation of funds or the allocation of commitment on the professional side that would then filter down? And some of the other folks might want to address that.

Mr. HEARN. The basic issue that I meant to be addressing was that it is difficult to abstract this issue of women's athletics from the whole issue of women in society, and that issue is one that the culture is working through in almost every facet of its endeavors, and that has been highlighted, of course, by things recently happening in the Nation's capital, the difficulty that we are living through in trying to fully accommodate these changes.

I do believe in time that there will be a professionalization of other women's team sports. That process is well under way certainly in women's tennis and golf.

Mr. STEARNS. And that would move the emphasize then again towards correcting this?

Mr. HEARN. Well, it might, or it might not. So far, professional athletics have shown zero interest in trying to affect——

Mr. STEARNS. I think that is the next question. If the professional women athletics in existence—has that filtered down into the colleges and shown more proportionate funds being used for those women's sports, or is it still a problem?

Ms. HOWLETT. I would cite golf as one of the premier professional sports for women, and the irony is that it is very poorly sponsored at the collegiate level. So there does not seem to be a correlation between those two. Whether that would be true of team sports or not I don't know, but it certainly is true of that sport, and that is one of the premier money-making sports for women.

Mr. STEARNS. OK.

Madam Chairwoman, I appreciate the extra time, and I yield back.

Mrs. COLLINS. Mr. Towns.

Mr. TOWNS. Thank you very much.

Let me begin by first asking Ms. Howlett to further explain something that I don't quite follow.

You indicated that the most difficult area to get the parity would be with Division 3. I have some problems following that because, first of all, Division 3 does not offer scholarships.

Ms. HOWLETT. That is right.

Mr. TOWNS. Therefore, any student that comes and would like to get involved in sports could get involved in sports. The facilities are generally there. The insurance is something that the school could cover. So why would it be so difficult for a division that does not offer scholarships to bring about parity when you have more women in college than you have men?

Ms. HOWLETT. I hope I'm wrong, I certainly do, but I know that with the economic situation that we have, if you add a sport it does cost money; irrespective of whether there are facilities there or not, it still does cost money. You have to bring in a coach, and you have to provide locker rooms, uniforms, all those things, and Division 3 schools don't always have that extra ability to generate other dollars.

Mr. TOWNS. In most Division 3 institutions, the person that coaches also teaches.

Ms. HOWLETT. That is correct.

Mr. TOWNS. So the point is, you are not talking about a lot of money. So that is the reason why I'm having some difficulty with your numbers in my head. Maybe I'm missing something.

Ms. HOWLETT. Well, and mine is conjecture; I can't support it with numbers at all. I'm simply trying to indicate that I think we can make—that at the Division 1 level is where we can make the most reallocation. I think there is potential there at the higher Division 1 level. I don't think that is possible at other levels. I think there are going to be some budgetary decisions that have to be made which are not out of excess, they are there for other reasons.

Mr. TOWNS. I would like to hear from you, Ms. Lopiano.

Ms. LOPIANO. Mr. Towns, I think that is a very good question. At Division 3 schools, often the funds for athletics come out of the general fund, and as you add students, that contributes to student enrollment and the profit margin of the university. So if you add students through athletics, theoretically you should be able to come back and throw more money into the support of athletic programs.

I think one of the most ingenious plans that I have heard of in terms of expanding athletics to support student enrollment is a school that expanded the number of sports by hiring their coaches and they said to their coaches, "If you bring in this number of kids for your team, this is how much money you will earn; if you bring in twice that number of kids for your team, this is how much money you will earn."

None of the coaches in any of the sports that were established under those terms were paid the lesser amount, all brought in the larger amount of students, and I think the lesson is, if the institution has the will to address this gender equity situation and is willing to design incentive systems like that, it can be done.

Mr. TOWNS. Thank you very much.

I guess Mr. Hearn used the term on two occasions, "steady progress," you know, and I listened to you very carefully—"steady progress." What does that really mean in terms of, you know, your serving on the committee?

Mr. HEARN. The environment in the NCAA is dramatically different now than it was 4 years ago—I think any dispassionate observer would agree with that assessment—and the issues of educational policy which were, I think again by common consent, not very high on the NCAA's agenda have been taken to the top, and that that agenda has been passing at the NCAA conventions, indicating a growing consensus within the membership around these issues.

The issue of certification this year represents a major new cultural undertaking for athletic departments. They are going to have to open their books, they are going to be peer reviewed, they are going to be publishing annual reports on themselves on a 5-year cycle, so I think there are enormous changes taking place, and this issue is now ready to take its place within that complex.

Now, are we going to succeed? Donna doesn't think we are, I think we are, and the proof is going to be in the pudding, and we will just have to see what happens after Phyllis's committee reports, after we understand what the Committee on Cost Containment is going to recommend. My belief is that there will be very substantial changes coming, and I think the efforts that are taking place at the institutional level that Mr. Teaff described and that I know are taking place throughout my conference, school by school by school, are going to continue across the Nation, and so I think we will see steady progress.

Mr. TOWNS. Yes, sir.

Mr. TEAFF. Mr. Towns, one of the things, I think, that alludes to steady progress is just some things that I saw when I came in as athletic director last May and I immediately began to take action on, and I couldn't do it all at one time because of funding and other things. But we had no senior women in our sports, and so I immediately appointed someone to that position. I have hired a women's trainer, which we did not have, one to work directly with our women in other sports as well. We opened up a training room that gave better access to our women's where their facilities were as well as our own, they have access to that.

So I think that is what Dr. Hearn means, that we can't do it all at once, but we are making progress and we have to do it rather step by step. You have to know where you are going, and daily you try to get there.

Mr. TOWNS. Thank you very much.

I hear from time to time—and this comes from people that are involved in athletics—that the one big issue and something that could be done now, that is not being done, is promotional efforts on the part of women's athletics, that there is very little going on in that area and that the reason why, in many instances, there is not a large audience for it, because nobody wants to promote it, they don't want to spend any money in terms of buying the commercials or putting in the newspaper that the game is going to take place or the PR department, you know, sort of spending any time advertising in terms of what the women are doing.

What are your views on that? Is this correct?

Mr. TEAFF. Yes, sir. You know, one of the things that I mentioned a moment ago, that I decided to do, that I think is very, very good, is to combine our marketing and promotions into one, and

rather than have a single individual working with women's is to put it tied into our football and basketball where we have excellent promotions that we have never had in women's before.

One of the things I want to try to do is increase attendance at our women's sports, and the way that I figure you have to do that is exactly what you said, Mr. Towns, and that is to increase knowledge of the game and to try to get the media to report it in broader terms than just some little spot down in the corner and the men's basketball is banner headlines. You can't go in and tell the media to do that, but as you begin to promote it and win, I think is also conducive to get greater crowds and also better promotions.

Ms. HOWLETT. Mr. Towns, I would like to also point out a program which has recently been initiated with one of the corporate partners of the NCAA. They have spent probably 18 months doing research on public attitudes toward women in athletics and discovered that we are not very well known out there, and that is part of the reason that television and folks who have to run businesses don't rush to support us, because they feel that there is not an audience, and so the corporate partner is initiating a campaign called Discover Women's Sports, which they hope to permeate the market with and try to help educate the consumer to understand that this is an important activity, it has an entertainment value to it, and it certainly has a value to the participants.

So we are in hopes that programs like this can begin to educate the public to understand the value of intercollegiate women's sports.

Mr. TOWNS. That means you are saying that when we see TV shows, that we will see the basketball coach of the women's team as well as we see the basketball coach of the men's team or the football coach.

Ms. HOWLETT. Boy, would I love that. And I will say that a lot of conferences are using leverage to get television coverage for women. Some of us are buying it. You just have to do a lot of innovative things, because nobody is knocking the door down right now; you have to really work hard to get it.

Mr. HEARN. It is important, I think, to add that the NCAA's television contract for the Final Four for men required the same network to broadcast the Final Four for women, and similar requirements are being laid on sponsors of the conference tournaments around the country—that is now true in the Atlantic Coast Conference—as well as adding additional television exposure.

But I think all of us have great—listen; the presidents and the athletics directors and everyone want to figure out everything we can do to increase revenue, particularly on the women's side, because everybody thinks that is a very helpful solution. So there will be no reluctance on the part of any of the leadership anywhere to undertake any kind of effort which will result in better support publicly for women's athletics.

Mr. TOWNS. May I just ask one more question, Madam Chair?

Mrs. COLLINS. Yes.

Mr. TOWNS. I'm happy to hear you say that, because generally when you talk to people that are involved, they always talk about how it threatens the football program, and I am happy to hear that

you feel that you can do some promotional things that would be helpful.

But the last question I have is this. There are some basketball programs for women that are successful, that make money, but I only know that there is one female in coaching that earns the same as a male in university coaching, only one institution I know. If I am wrong, please correct me. There is only one institution.

Ms. HOWLETT. Only one I have heard of.

Mr. TOWNS. That is something you need to look at, too, in terms of equity.

Mr. HEARN. That is true, but it is important to understand, Mr. Towns, that the university's contribution to the coach is one thing, the coach's outside income with shoe contracts and other public agencies is another thing altogether over which the university's control, while all that must be reported to the university, is limited.

Mr. TOWNS. I understand that, but I am talking about even the amount that the university pays. You know, there is a major difference between the two. Some female coaches will say to you that after they travel on Saturday, travel on Sunday, and come back and practice again on Monday, they are actually getting minimum wage.

Ms. LOPIANO. Mr. Towns, there is a more serious situation than that. I don't think people have raised the employment discrimination that is going on in terms of the absence of women coaching men's sports. You see a 50-50 split almost in terms of men and women coaching women; less than 1 percent of all the coaches of men's sports are women, and there is a separation in terms of the marketplaces, and until women are breaking into those high salary positions we are not going to see any relief from the salary problem.

Mrs. COLLINS. The time of the gentleman has expired.

Mr. TOWNS. Thank you, Madam Chair, for being so generous.

Mrs. COLLINS. Mr. Slattery.

Mr. SLATTERY. Thank you, Madam Chairwoman.

I would like to just understand this whole thing better. One of the purposes of these hearings is for us on this side of the table to learn things, and I don't fully understand what we are talking about here today, to tell you the truth, and I don't fully understand how title IX is affecting all of you, to tell you the truth, and so the purpose of my question is to get a more complete understanding of that, and in an effort to do that I am going to describe a hypothetical situation to help me understand a little more clearly what you all are dealing with.

If, for example, a school did have a very profitable football program, and say they were, in fact, providing today 100 scholarships to young men to participate in that sport. Say it was making them big money, and say, for example, they did have a basketball program for women and they did have the other full range of athletic opportunities for young female athletes at the institution, yet because of this football program and because it was a very big profit center for the athletic department of the university and because the number of scholarships provided through this very profitable

football program skewed all these statistics we were looking at, tell me how title IX is going to affect that kind of an institution?

Mr. HEARN. Football counts, and when you are dealing with equitable opportunities for men and women, you start with this 100 or 105 scholarships, and who pays for them and all that stuff is beside the point. If football could simply be set aside out of this equation—and obviously some people say, well, there is no equivalent women's sport, so it ought to be set aside—then all of these numbers would look dramatically different and we would not be dealing with the difficulty that, in fact, we are.

Mr. TEAFF. Mr. Slattery, at our university, if you set football aside, the number of 85 scholarships, we give more women's scholarships than we do men in all the other sports.

Mr. SLATTERY. Say that again. If you set football aside——

Mr. TEAFF. Well, 85 scholarships; all the other sports, men's and women's, we give more scholarships to women than we do to men at Baylor University; and I think that is pretty accurate in most places. But you cannot set the 85 aside. That is a part of the way you figure it. Then there are two other questions that go along with this that I'm sure Donna will allude to as well, and that is how you figure the title IX compliance: Is it on participation, interest, or what is it on? And so that has been a big discussion as well.

Mr. SLATTERY. Let me make sure I understand this. Then what you are telling me, Mr. Teaff, is that if you set aside the football program, then the number of scholarships that you are giving to young female athletes at Baylor University exceeds the number?

Mr. TEAFF. Yes, sir.

Mr. SLATTERY. Let me hear about Wake Forest and the other institutions represented.

Mr. HEARN. It would be much more comparable. We are not exactly at 50-50 setting aside football, but if we didn't have football in the equation we would be extremely close to gender equity.

Mr. SLATTERY. Ms. Howlett.

Ms. HOWLETT. I would like to just simply cite the information that was gathered by the NCAA in their study a couple of years ago which did indicate to us that there was an imbalance even without football, that men were still receiving more. I don't remember numbers well, and I can't cite that specific number, but that is one of the reasons that we were so alarmed and so concerned and the task force was created to begin to address that, because, irrespective of football, there was still an imbalance.

Mr. SLATTERY. Yes?

Ms. LOPIANO. A couple of points. Title IX requires that participation in athletics be proportional to the gender mix of the general student body, and right now you are looking at athletic programs that are kind of 70-30 in athletics and 50-50 approximately in the general student body, and football players at last count were males in that mix.

Mr. SLATTERY. At last count.

Ms. LOPIANO. I don't think it is a third sex.

If you remove football out, you are removing $179 million a year more in athletic scholarships, access to education, in favoring males over females.

One more point. When you look at the subsidization of intercollegiate athletics, there are only 50 schools in the 800-and-some-odd member institutions of the NCAA where football is contributing beyond its own support. You are looking in Division 1A, the very strongest football programs, the ones who supposedly are making big money—SEC, Big Ten, Pac Ten—you look at those schools, and 45 percent of those schools are running average annual deficits of $628,000 a year in football deficits. So the system itself, if you are looking at it that football is paying for all the bills, it is a misconception.

Since the advent of title IX, institutions themselves, through institutional discretional moneys, through student fees, through other funding sources, have paid for practically all of the women's opportunities to date. With the exception of those few schools in Division 1 that are making money, they are only picking up 45 percent of the tab for women's athletics.

Mr. SLATTERY. Obviously, we have a real mess out here in the sense of this football situation, because we do have schools in this country where the football program is a big cash cow.

Ms. LOPIANO. Very few.

Mr. SLATTERY. And then we have other schools in those same conferences, as I understand, that make money on their football program only because other members of the conference are going to the Orange Bowl or to the Rose Bowl or some place and they have access to that revenue generated by the other teams that aren't playing on television.

Now, I guess my concern when we are looking at all of this—and this sort of goes along with a question that I thought of earlier—if you are giving young men 100 scholarships to play football and if that is also increasing educational opportunity for those young men, many of whom probably would not be able to attend school but for a football scholarship, does it make sense to look to the football program and say one of the ways we are going to deal with this is to cut back the number of scholarships?

If that program is profitable, truly profitable, and if those young male athletes are out there in the stands putting their life on the line and risking serious life-long injury every Saturday afternoon, there is a part of me that looks at this and says, you talk about being exploited, some of these young male athletes out on the football field are exploited, and if they are going to get paid to risk injury, it seems to me—does it make sense—I guess I am asking the question—does it make sense to cut back the number of scholarships in a profitable program to make all this look good on paper?

Ms. LOPIANO. As long as you cut them back so student athletes who need are still supported, which you can do——

Mr. SLATTERY. Say that again.

Ms. LOPIANO. As long as you cut scholarships back so you still make sure that student athletes who require money, who predict need, are getting supported, which you can do, and you cut back across the board so that the effect on everybody maintains the level playing field, there is no reason why football shouldn't continue to make money and that you would have a larger profit margin so that you could achieve both continued participation on the part

of football players and gender equity. That is the whole point of this exercise.

Mr. SLATTERY. Dr. Lopiano, the statistic that you just gave me about the 80—was it?—NCAA Division 1 football programs that make money——

Ms. LOPIANO. Fifty-five percent of the Division 1 schools. There are about 100 schools in Division 1A.

Mr. SLATTERY. Pardon me?

Ms. LOPIANO. Fifty-five percent of the Division 1A football-playing institutions, which are about 100 schools, make money.

Mr. SLATTERY. Fifty-five percent of them?

Ms. LOPIANO. That is right. And that doesn't mean they make enough money to support the whole rest of the program, it is just that they make more than $1.

Mr. SLATTERY. OK. Now when you look at that statistic, does that include those schools that make money off the revenue that is generated by their membership in a conference, and they may be the last placed team in the conference, and that program may not make money stand alone, but when you take into consideration the television revenue generated by their participation in their conference and the fact that the championship teams in the conference are on television, and they share that revenue with the last place teams, how are you measuring that?

Ms. LOPIANO. These revenue sources are all counted——

Mr. SLATTERY. OK. So your total revenue source is counted in that number of 55 percent.

Ms. LOPIANO. That is right. And, you know, it is interesting to note that the profit margin at these schools—you know, I want to say, and I will provide this data to the committee—I don't think the average profit of those schools is in excess of $500,000 a year. This is on a $3 or $4 million football program.

Mr. SLATTERY. I happen to have very strong feelings about this whole idea of subsidizing money-losing football programs, and the kind of money that you are talking about gets out of hand, and I think that we see some outrageous examples of waste, probably, in some of these programs around the country, too. But I would like to hear from Coach Teaff on this also.

Mr. TEAFF. Yes, sir.

First of all, I think the universities have another area of revenue that probably hasn't been figured into all these statistics, and that is the area of donation. Many times your athletic programs and many times football in general is the window by which the general public views your university.

Mr. SLATTERY. So, if I can, let me ask Dr. Lopiana: Does your statistic that you cited take into consideration the charitable contributions made to these programs also?

Ms. LOPIANO. Fund-raising is included in there if it is designated primarily for football. If it is a generic contribution, it is not. However, research does show that the success of the football team does not influence general donations to the university, and when you look at donations I think it is important to realize that those donations are tax-deductible; moms and dads of daughters and sons are paying also when we give that tax deduction, so we shouldn't discriminate on the basis of their children.

Mr. SLATTERY. Good point.

Mr. TEAFF. Yes, I think that is a good point. But that is a factor that, for our own small university, that it is very, very important to be able to generate funds not only for the football program but maybe because of the football program we can help in other areas as well.

Mr. SLATTERY. My time has expired.

Mrs. COLLINS. Yes.

Mr. Teaff, I continued to read this article, and I need you to clarify some of these for me. Yesterday, as you have stated today, you were recorded as saying that football, in your opinion, cannot go below 85 athletic scholarships and be safe.

Mr. TEAFF. Yes, Ma'am.

Mrs. COLLINS. So my question is, how are the number of football scholarships related to player safety?

Mr. TEAFF. The nature of the game now requires quite a number of participants—offense, defense, specialty teams, kicking specialists. When the game was one platoon, schools were giving up to 150 scholarships. Since we changed the rule to go to two-platoon, the scholarships have decreased now to 85.

If there would be a reason to decrease the number of scholarships, I think the Presidents' Commission and others would have to probably move toward a one-platoon system or else go to a scholarship based on need, maybe "*X*" number of scholarships, and allow you to have more participants.

The game itself requires a large number of participants for safety factors, and this is very, very important.

Mrs. COLLINS. So do you think that the number of scholarships would be the same as the team size? Or are you saying that schools that don't have large squads of 100 or more are relatively unsafe?

Mr. TEAFF. Well, I think that any time you get below around 85 for Division 1A where the speed and size has increased dramatically, that you do have problems with safety. I, as a coach, have been through situations where youngsters have been injured and hurt, and one of the foremost thoughts of a couch and, I think, our university is to provide safety and then opportunities for participation because it requires a number of people.

Mrs. COLLINS. Do you agree with that, Dr. Hearn?

Mr. HEARN. Well, I certainly agree that safety is a very important concern. Whether or not we can continue to reduce football grants in aid without fundamentally altering the game is something that I certainly would want to talk to coaches about. But my sense is that we can continue to reduce grants in aid.

As Donna said, the big money is in personnel. Some of that personnel may be bureaucratic, but I want to remind the members of the committee that we have been under mandates to provide academic counseling and a whole new host of student support services through the athletic department which were not required of us in the past, so many of these people have been in response to things which have been required of us. But there isn't a solution to this problem—and in this respect I agree with Donna—that doesn't involve substantially reducing the effort in football somehow.

Now I think we have got to learn from the coaches, and we really do need not to create a warfare here with the coaching com-

munity, but to enlist their support is to see how those reductions can occur in a way that is effective.

Mrs. COLLINS. Thank you.

Ms. Howlett, do you think 85 is locked in stone?

Ms. HOWLETT. I can't speak to that because I am not a football coach, but I am heartened to tell you that we are working with the football community to try to arrive at what is a reasonable number there.

Last week when the football coaches met with the financial conditions committee, that was one of the areas of discussion: What can you do to eliminate some of the bureaucracy, some of the excesses, and still maintain the integrity of the sport? So I think that number may be in question, and I'm not sure we have the right number, but I'm in hopes we will find it soon.

Mrs. COLLINS. Ms. Lopiano.

Ms. LOPIANO. If you turn to page 2 of my testimony, you will see some numbers on scholarships. In Division 1, an average of $849,000 a year to males; Division 1, an average of $372,000 to females.

Let me give an example of two things that can be done. One, to answer Grant's concern for keeping the number, 85, on scholarships so you can play the double-platoon, triple-platoon game that he wants to play, if you said that you keep 85 but the value of a scholarship can be no greater than half of what it is now, you can reduce the men's scholarship number to approximately $600,000 and use the savings to increase the women's scholarship number to almost $572,000 and keep the same number of kids. I mean if everybody does it and everybody has the 85, the kids aren't going to Europe to play football; I mean the kids are still going to come to school, especially if they can get need-based aid from regular BEOG or other college sources.

Or you can take the tack, if you don't care about the number 85, simply by reducing it to 65 full scholarships or 60 full scholarships. The fact of the matter is, no more than 40 to 45 kids get into a game. Many conferences now have travel squads which limit travel to no more than 60 or 65 players, and yet there are teams that have 150, 191 players; Nebraska took 191 players to its bowl game this year. And those are choices that are made over providing opportunities for our daughters.

Mrs. COLLINS. Dr. Hearn, Washington State University, under a court order to achieve equity in its athletic program, has increased its women's athletic participation rate to the point where it reflects the female enrollment. Washington State still has a Division 1A football team and program. Now if Washington State can do this, why can't the other institutions do that?

Mr. HEARN. We can do that. I have never believed that we had to eliminate football, even big-time football, to achieve this result. I don't know the details of the Washington State experience, but I think we can.

Mrs. COLLINS. Thank you. I'm glad to hear that.

You mentioned something that touched off another question that I had. You mentioned something about—and I'm not sure I heard you correctly in response to a question that Mr. Towns had. I be-

lieve you said something about coaches receiving outside incomes of some kind. Can you go over that again for me?

Mr. HEARN. Well, it is not uncommon, and, as a matter of fact, it is quite common for coaches in high profile sports to have contracts with shoe suppliers and with television and radio networks to provide programming for which the coach is compensated.

Mrs. COLLINS. Now do they do this on their own?

Mr. HEARN. Yes.

Mrs. COLLINS. With the blessing of the school or without the blessing of the school?

Mr. HEARN. With the blessing of the school. All of these matters are not required to be reported. Rather like the consulting arrangements that exist within universities generally, faculty members are free to engage in outside entrepreneurial activity subject to its being approved by the university.

Mrs. COLLINS. So one of the reasons why some coaches might be—and this is strictly a hypothetical—might be reluctant to say that—decide that football is sacrosanct because if they have a winning team, then they have a better opportunity to make some outside dough based on their performance, based on their shirts and based on the shoes or what-not that Nike or somebody else might have them use. Would that be stretching it too far?

Mr. HEARN. Well, there is no doubt that there is a direct relationship between the competitive success of a coach and their success in obtaining those kinds of endorsements, and the high-profile coaches would be the ones that you would know of, and they would have the most lucrative arrangements.

They also—and this is a growing source of revenue for many coaches—they almost always run camps in the summers associated with their sports for young people, and these camps are also, for some coaches, a very important source of additional income.

Mrs. COLLINS. Since some of the schools have problems finding money for women's sports, I wonder why it is that the schools themselves don't make those contracts rather than the coaches and that those revenues could be used as a means of funding women's sports.

Mr. HEARN. In some cases, the schools do themselves make those contracts.

Mrs. COLLINS. I wonder if the NCAA, the Presidents' Commission in particular, would be considering such a thing.

Mr. HEARN. Madam Chairwoman, there are legal issues here about the ability of the NCAA to say to the athletic department that the staff of the athletic department does not have a freedom which is granted to every other employee of the institution.

Mrs. COLLINS. I would have to agree with that, but it seems to me that the athletic department then is running the university and not the presidents in a case like that when it comes down to funding, and I'm bothered by that, and I don't really understand why there is a lack of power on the part of the presidents of the universities when it comes to such matters.

The heads of the athletics departments seem to have an unwieldy amount of responsibility and an unwieldy amount of power in a case like this. I mean they can make outside dough, they can decide how many football players there are, they can decide how

many scholarships are given, they can decide which TV programs are given, they can decide whether or not girls have adequate programs, they do all of these things, and yet the purpose of a university, I always thought, was to educate young students.

Mr. HEARN. Was that a speech or a question?

Mrs. COLLINS. It was both. What do you think about it?

Mr. HEARN. As a university, we operate under the laws of the State and the Nation, and we are not in a position to proscribe to the athletic department, to prohibit in the athletic department a freedom to earn outside income when that freedom is granted to professors and researchers across the institutions.

But I thoroughly agree with you that the power of high-profile athletic programs can be excessive, and it has been the primary objective of the Presidents' Commission and the reform movement for the last several years to instantiate the principle of the student athlete, men and women, and that principle, I think, is going to be much better served in the future than it has been in the past, and so on the issue of principle I certainly agree with everything you said.

Mrs. COLLINS. Thank you.

Mr. Teaff.

Mr. TEAFF. Madam Chairwoman, I think one thing that might be helpful to you is that what is the perception is many times not the reality. For instance, Nike, whom you mentioned as a shoe contractor——

Mrs. COLLINS. I'm not singling Nike out. I don't know which one it is. It could be any shoe company, it could be any shirt manufacturer, any hat manufacturer—whatever.

Mr. TEAFF. But here is what happens in reality, at least at our place, on that. I am a member of the Nike consulting board for the single purpose of getting $35,000 worth of shoes for my university that does not have to come out of my budget. I get a $10,000 stipend for them, of which I make about four speeches a year that I go to clinics to do for them, which includes my travel and so forth. So I don't really make a penny for that. I do that for my university to make $35,000. We do that in terms of clothes.

We this last year had a contract with a clothing group for sideline and practice stuff that furnished for my whole staff—that's all I got out of it, they used my name, but that allowed my university to save about $10,000 or $12,000 in clothing. So there is a lot of it that is directed in that direction, and also what Dr. Hearn had to say was true with our university. We have people on our campus that are in our law school that have consulting situations. But what we do—and I think this is very good—is, we report to our president any of those types of situations.

I think in terms of large money, probably there is more money in shoe contracts for basketball than there is for football, but I know that in football it is not that large.

Mrs. COLLINS. Well, I thank you very much for clearing that up for me, and I am glad to know that you at least take care of your students in shoes, et cetera.

Mr. TEAFF. Yes, Ma'am.

Mrs. COLLINS. Ms. Lopiano.

Ms. LOPIANO. I just wanted to reinforce what you said in terms of, you are on point. President Hearn brought out that you can't limit consulting relationships, but as soon as the coach is wheeling and dealing with a university asset—i.e., his team will wear the shoes, or the asset is the performance of the team, and that is his television shoe—he does not own that asset, the university does, and the funds should come, and that is where the line is drawn for both professors—or should be drawn also for coaches, and I think you make a good point.

Mrs. COLLINS. Thank you.

Mr. Stearns.

Mr. STEARNS. Madam Chairwoman, thank you.

You touched, Dr. Hearn, on a topic that I thought I might have you elaborate for my benefit and maybe for other members. The Presidents' Commission on Athletics, were they not commissioned to set the agenda, and didn't they set up procedures and everything to control the athletics, and so aren't we talking about something that is moot, that is already in place?

Mr. HEARN. Yes. The Presidents' Commission has been in existence now for a number of years, but it has only, I should say, been empowered in the last 5 years, so that it has got an ongoing planning cycle that brings forward on an annual basis a topic which has been studied, as the gender equity matter is being studied this year and the cost containment issue, which is closely linked to it, are both simultaneously under review.

These matters will come forward, and those items that require legislation will go to the convention next January, and the Commission meets regularly throughout the year, it operates through a series of committees, and I think by any measure, though there were those who thought that the Commission should have had greater authority over the NCAA's affairs than it actually has, it has been an enormously effective body, and it has worked closely with Executive Director Schultz and the leadership of the NCAA.

So the climate for the consideration of matters of the sort that we have been discussing this morning is much improved over what it has been in the past, and, as Grant's presence here this morning indicates, there is much better dialogue now with the coaching community.

Mr. STEARNS. Is there anyone else who would like to comment on that?

Ms. LOPIANO. Yes, I would.

The Presidents' Commission can do big things. It is simply that it will not. The gender equity task force, for instance, could recommend that a condition of an automatic national championship berth for a conference is that all the institutions in that conference have participation proportional to the gender mix of their student body. It doesn't eliminate access to a national championship, but it is an incentive for an automatic berth. That will not come out of the gender equity task force, and I doubt very much whether the Presidents' Commission would dare propose that kind of a direct connection to a participation proportionality and gender equity as a membership provision, and that is really unfortunate.

I mean there is no strong commitment to tying something important as an incentive that the NCAA has in its hands to the whole concept of gender equity.

Mr. STEARNS. Let me talk about the gender equity task force. Their recommendations are coming this fall?

Ms. HOWLETT. We expect them to be ready by June.

Mr. STEARNS. June of this year?

Ms. HOWLETT. Yes. I'm still optimistic, Donna is a little more pessimistic, about the title IX compliance issue. I'm still optimistic we might be able to get that as a condition.

Mr. STEARNS. Wouldn't it be worthwhile for Congress to hold off on any type of legislation until we have seen this, maybe have had a hearing on it to discuss the results and to talk about it? Let me ask you this: Is it your feeling that after this is over the gender equity task force will have recommendations that Congress or others should implement?

Ms. HOWLETT. Well, I hope they are instructive, and I hope it provides you a good idea of where the Association is going. I do not see it as an end, however. I think that it will initiate some things. I think that the recommendations will come in many forms. I think you will see some rather specific legislation. I think you will see maybe some principles. I think you will see some tools for institutions to use in dealing with equity. But it will be, for the most part, a beginning as opposed to an end.

Mr. STEARNS. Will it be looking at I think Washington State that Madam Chairwoman talked about, one case in point?

Ms. HOWLETT. Absolutely. The athletic director from Washington State is a consultant to the task force, so that has been very useful.

Mr. STEARNS. So what has happened up there possibly would be part of the task force and would be something that would be brought out as maybe a recommendation for other universities?

Ms. HOWLETT. Not specifically necessarily, but I think that it will be one of those things which we can cite as a possibility for the ways institutions can deal with their issues.

Mr. STEARNS. Can I ask you sort of a straight question?

Ms. HOWLETT. Sure.

Mr. STEARNS. Is it feasible after the equity task force comes out—are you optimistic that we will be able to do this in a voluntary compliance?

Ms. HOWLETT. That is the reason we are attempting this, and I remain optimistic, and more so than Donna is at this point, and she is coming from a different perspective, which I represent. But I have to be. You know, I have to be optimistic, because it is an important issue, it is an issue the Association must deal with, they are attempting to deal with it, and I'm very hopeful that we are going to come out with some very strong, positive steps.

Mr. STEARNS. And taking into the fact the things that Dr. Hearn had mentioned in terms of the recession and the funding. I mean it seems that, given the parameters that Washington State complied, then there seems to be some kind of step that we could move towards.

Mr. HEARN. Am I correct that Washington State's State legislature appropriated a full tuition remission?

The problem is, you go to a school and say, "Add six sports," or whatever—we are adding field hockey at $60,000 a year; when we add women's soccer that will be $90,000 a year. That is without the scholarships; this is just the infrastructure and the personnel.

So these are daunting financial times, and these are daunting times before gender equity arrived, and they are going to be daunting times, it seems to me, for the foreseeable future. That is why it seems to me that we have to counsel patience, and I can understand why people say long enough has passed, but I believe that we have got to give this process a chance to work, and if it doesn't work then, of course, we will deserve whatever happens.

Mr. STEARNS. But aren't you saying that the gender mix is coming down? Haven't you indicated that historically in the last 5 years it is changing pretty dramatically? Is it moving in the direction that we want it to move?

Mr. HEARN. I think it is moving in the direction in which we want it to move.

Mr. STEARNS. Slowly or——

Mr. HEARN. I described steady progress in a phrase that Mr. Towns perhaps didn't like.

Mr. STEARNS. I'm not sure everyone agrees.

Mr. HEARN. No.

Mr. STEARNS. OK.

Ms. LOPIANO. I don't agree, because there is no data to demonstrate that there has been steady progress, and the only thing that I'd like to say is that, you know, my pessimism is borne out of 20 years of not making it happen; my pessimism is borne out of having just come from a gender equity task force meeting where there was no interest at all in taking a strong position in terms of tying any requirement to gender equity.

My position in favor, contrary to what you have just said, of legislation similar to what was suggested by the chairwoman is, look what happened with the Student Right to Know Act, look what happened when we published the graduation rates at 18 percent, graduation rates of minority basketball and football players. All of a sudden now, because of public embarrassment, there is a new commitment to making sure that the good name of higher education is not dragged in the mud.

I think a new tactic in the whole area of equity is public embarrassment to encourage institutions to do the right thing, and if that is what it takes—it is such a small thing, full disclosure; we should expect that of our public education system—I think it is worth trying. It is going to work a lot better than anything that has worked in the last 20 years.

Mr. STEARNS. Let me ask you, how, if you have one institution that is large and an institution that is small, just the facilities themselves, the athletic facilities, the services, the exercise rooms, the pool facilities—I mean doesn't that play a part in this whole thing, and how do you take account of the University of Florida versus CFCC, which is a junior college in my home town?

Ms. LOPIANO. Every school is different, and it takes people——

Mr. STEARNS. Shouldn't there be allowed a certain amount of——

Ms. LOPIANO. But there is. There is tremendous latitude in title IX. I mean when OCR comes in, nobody has had Federal funds

taken away from them. OCR comes in and says, "Will you remedy this situation? Give us a plan of how you are going to remedy this situation," has pretty much allowed universities to have whatever time lines they want, and then there is no monitoring of what the university is doing, and if the university fails to comply there is no asking Justice what to do.

I think there is tremendous latitude at the institutional level, I mean for coaches to sit down and say, "OK, title IX says that we have the same quality practice facilities for men and women, and if we only have one good gym and one small gym, we have to share, we don't build another gym for women."

It goes back to, what do you do with your son with everything in his closet? You have to share that, and that is what is not being done.

Mr. STEARNS. Let me ask anyone else on the panel who would like to comment on that, before I conclude, just in terms of facilities that already exist.

Mr. TEAFF. Sure. Dealing with it on a daily basis, I look at it from a couple of different perspectives, but I think we have got a clear mandate from Congress. I agree that it hasn't been obviously enforced and is not in total compliance, but I think one of the things that has happened, and through Donna and her work and the NCAA's interest and Madam Chairwoman and her committee, I think we have a renewed knowledge. We are gaining interest, we are getting universities, coaches, presidents, involved in this, and I would recommend that we not have more legislation but that we go ahead and enforce and explain to the universities in whatever means what title IX is and, first of all, come to compliance to that.

I don't think we can get to what is referred to as gender equity, sir, until we get to compliance with title IX, and in my own little place and little world that is what I'm going to strive to do.

Mr. STEARNS. I am finished. Thank you. I yield back.

Mrs. COLLINS. Thank you.

Just a real quick question or two for you, Dr. Hearn. I was just wondering as an aside, what percentage of alumni contributions are earmarked for the football program?

Mr. HEARN. In our case—and, again, all of the institutions operate this differently—we have one single athletic fund-raising activity which supports the athletic program. It is generally an effort to raise money for athletic scholarships, and so there is no earmarking except in a very few cases of restricted endowment gifts.

Part of this difficulty that Mr. Stearns was referring to about differences is the differences between public and private institutions trying to compete at the highest level when our costs per student are so much different, and that, of course, very much affects our fund-raising needs.

Mrs. COLLINS. I just happened to wonder if there was any evidence that alumni contributions would go up or down depending on the win or loss record of any athletic teams.

Mr. HEARN. That has not been our experience. Our athletic fund-raising activity has been to support the university in this way, and 1 year shortly after I came there we did not win but one conference game in football or men's basketball, and giving to the deacon club went up that year 15 percent.

Now, we have had a terrific year this year both in football and we are having a fine year in both men's and women's basketball, and I very much hope that giving will go up. But I think it is very important that the whole financial question of winning and losing, with all of its ramifications, be kept firmly within the university's capacity to operate a program on an ongoing basis, and those programs that live or die by trying to get in the NCAA tournament in each year, I think, it seems to me are taking grave financial risks but also ethical risks.

Mrs. COLLINS. Just a final note, and then I'll be through, and that is that I have been toying around with the notion of, when I make my contribution to my school, that maybe I'll try to earmark the funds for women's athletics only, and I wonder if that isn't something that we might not do, Ms. Lopiano.

Ms. LOPIANO. One of the things that I think universities can do is really try to develop alumni fund-raising for the women's programs separate from their current men's system which usually has perks in football and men's basketball. What we know, for instance, is that there is a separate audience for men's and women's athletics. There is less than a 5 percent overlap between the people who give to men's sports, who buy men's season tickets, who attend women's athletic events vis-a-vis women's athletics, that is a brand new market, and yet we have this single fund-raising source, and the perks usually are totally tied to the men's market, and there is no separate incentive system for developing the women's boosters and what-have-you. So we need to look at that very carefully, and designated donations may be very helpful.

Mrs. COLLINS. Ms. Howlett.

Ms. HOWLETT. The example is there, and in Donna's former life she was very successful at this. There are other programs that have been very successful in that. We need to replicate that around the country, and we need to help other institutions understand how to do that. It can be done.

Mrs. COLLINS. Mr. Teaff.

Mr. TEAFF. Madam Chairwoman, I would like to note for the record that Donna and I have 100 percent complete agreement on this. That is not always the case, but we certainly do on this, and I wholeheartedly am trying to do that with our university.

Mrs. COLLINS. Let me thank all of you for appearing before us this morning. Your testimony has been invaluable. Your written testimonies will be made a part of the record, and if there are any questions that we have failed to ask that we feel are important, we will send them to you with the expectation that the answers will be received by us within 5 working days of the time you receive them so we can close our records again. Thank you very much.

The hearing is adjourned.

[Whereupon, at 11:35 a.m., the hearing was adjourned.]

[The following information was received for the record:]

RESPONSES TO SUBCOMMITTEE QUESTIONS BY DONNA A. LOPIANO, EXECUTIVE DIRECTOR, WOMEN'S SPORTS FOUNDATION

During my oral testimony before the committee on February 17, 1993 I was asked a question concerning the extent to which football programs were revenue-producing. Attached please find a table of figures from the publication Revenues and ex-

penses of intercollegiate athletics Programs: Analysis of financial trends and relationships 1981-85 by Mitchell H. Raiborn (1986, Mission, Kansas: National Collegiate Athletic Association) that provides that information.

As you will note, the average deficit among football programs in Division IA over the 8 year period between 1981 and 1989 increased almost threefold and the percentage of institutions conducting deficit programs doubled. During that same period, the number of institutions reporting profit-making programs declined but the average profits of those programs increased from $1.3 million to $2.7 million. It appears obvious that the "rich are getting richer and the poor are getting poorer" while the pool of institutions with football programs that produce excess revenues declines and deficit producing football programs increase.

TABLE 4.8—Operating Profits and Deficits in Football

Fiscal Years 1981–1989 (Dollar Amounts in Thousands)

Average Results for Football by NCAA Division	Number of Respondents	Average Profit	Number of Respondents	Average Deficit	Percent Reporting Deficits
	Revenues Exceed Expenses		Expenses Exceed Revenues		
Division I-A:					
Fiscal year 1989	47	$2,771	39	$638	45
Fiscal year 1985	60	2,196	27	449	31
Fiscal year 1981	47	1,342	15	251	24
Division I-AA:					
Fiscal year 1989	3	166	51	535	94
Fiscal year 1985	12	255	38	416	76
Fiscal year 1981	9	85	21	226	70
II With Football:					
Fiscal year 1989	2	37	56	247	97
Fiscal year 1985	3	49	32	176	91
Fiscal year 1981	6	36	34	83	85
III With Football:					
Fiscal year 1989	1	27	86	69	99
Fiscal year 1985	4	2	79	56	95
Fiscal year 1981	2	7	60	37	97

TABLE 4.9—Operating Profits and Deficits in Men's Basketball

Fiscal Years 1981–1989 (Dollar Amounts in Thousands)

Average Results for Basketball by NCAA Division	Number of Respondents	Average Profit	Number of Respondents	Average Deficit	Percent Reporting Deficits
	Revenues Exceed Expenses		Expenses Exceed Revenues		
Division I-A:					
Fiscal year 1989	55	$1,167	28	$238	34
Fiscal year 1985	51	743	37	153	42
Fiscal year 1981	35	387	26	88	43
Division I-AA:					
Fiscal year 1989	14	321	40	199	74
Fiscal year 1985	16	212	34	137	68
Fiscal year 1981	9	106	18	67	67
Division I-AAA:					
Fiscal year 1989	14	511	41	223	75
Fiscal year 1985	9	347	22	149	71
Fiscal year 1981	8	214	12	146	60
II With Football:					
Fiscal year 1989	6	39	50	93	89
Fiscal year 1985	5	19	29	67	85

TABLE 4.9—Operating Profits and Deficits in Men's Basketball—Continued

Fiscal Years 1981-1989 (Dollar Amounts in Thousands)

Average Results for Basketball by NCAA Division	Number of Respondents	Average Profit	Number of Respondents	Average Deficit	Percent Reporting Deficits
Fiscal year 1981	6	12	34	38	85
II-No Football:					
Fiscal year 1989	3	23	27	105	90
Fiscal year 1985	2	14	21	81	91
Fiscal year 1981	2	18	26	60	93
III With Football:					
Fiscal year 1989	3	29	82	32	96
Fiscal year 1985	6	92	77	44	93
Fiscal year 1981	3	2	58	32	95
III-No Football:					
Fiscal year 1989	1	1	41	24	98
Fiscal year 1985	7	54	37	20	84
Fiscal year 1981	0	0	15	18	100

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